

Regular Meeting

The regular meeting of the City Council of the City of Fitchburg was held in the Memorial Middle School Library, 615 Rollstone St., Fitchburg, on May 3, 2016. The meeting was called to order by President Kushmerek at 7:07 P.M. The Clerk called the roll and eleven (11) members were present. The meeting opened with a salute to the Flag led by Councillor Bisol.

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Communication
His Honor the Mayor

Appointment
Letters

Three letters of Appointment as follows:
a. Anthony M. Zarrella as a member of the Zoning Board of Appeals for a term to expire January 1, 2021.



The City of Fitchburg

Massachusetts FITCHBURG CITY CLERK
OFFICE OF THE MAYOR 16 APR 15 13 41

STEPHEN L. DINATALE
MAYOR
166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL. (978) 829-1801

AARON TOURIGNY
CHIEF OF STAFF
ATOURIGNY@FITCHBURGMA.GOV

JOAN DAVID
ADMINISTRATIVE AIDE
JDAVID@FITCHBURGMA.GOV

April 15, 2016


The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint Mr. Anthony M. Zarrella of 371 Wanoosnoc Road, Fitchburg, MA as a member of the Zoning Board of Appeals for a term to expire on January 1, 2021.

Please feel free to contact me with any questions.

Sincerely,


Stephen L. DiNatale
Mayor

City of Fitchburg, May 3, 2016

Communication
His Honor the Mayor

b. Demetrice D. Phillips as a Permanent Reserve Police
Officer for the City of Fitchburg.

Appointment
Letters



The City of Fitchburg
Massachusetts
OFFICE OF THE MAYOR

FITCHBURG CITY CLERK
16 APR 21 15

STEPHEN L. DINATALE
MAYOR

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April 21, 2016

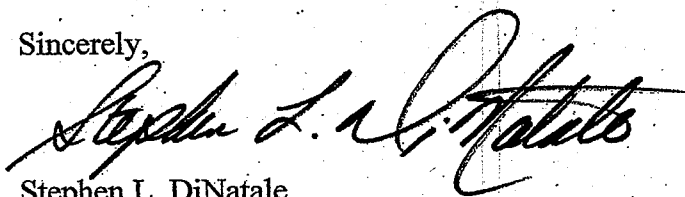
The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint, and ask for your confirmation of, Demetrice D. Phillips to serve as
a Permanent Reserve Police Officer for the City of Fitchburg.

Please feel free to contact me with any questions.

Sincerely,


Stephen L. DiNatale
Mayor

Communication
His Honor the Mayor

Appointment
Letters

c. Mary Delaney, as the Chief Procurement Officer for the
City of Fitchburg.



The City of Fitchburg
Massachusetts
OFFICE OF THE MAYOR

STEPHEN L. DINATALE
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April 26, 2016

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

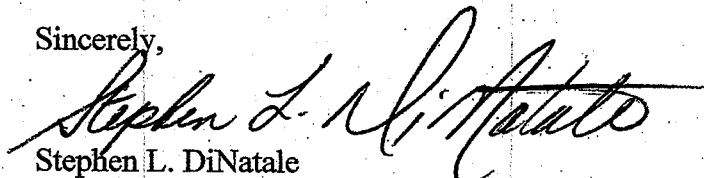
RE: Chief Procurement Officer Appointment

Dear Honorable Councilors,

As you are aware, a Selection Committee was established for the hiring of the head of the Purchasing Division. The Selection's Committee has presented me with the attached report.

Therefore, pursuant to Ch.3 art.I §3-4, I hereby appoint and ask for your confirmation of, Ms. Mary Delaney of 127 Temple St., Gardner, MA as the Chief Procurement Officer for the City of Fitchburg.

Sincerely,


Stephen L. DiNatale
Mayor

Enc.
SLD/ajt

Cc: Anna M. Farrell, City Clerk
Richard N. Sarasin, Auditor
Bernard Stephens, Director of Human Resources

16 APR 27 15 29
FITCHBURG CITY CLERK

Communication

Search Committee
for Chief
Procurement Officer

Search Committee for Chief Procurement Officer
City of Fitchburg

April 12, 2016

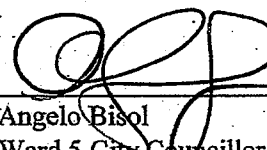
Mayor Stephen DiNatale
City of Fitchburg
166 Boulder Drive
Fitchburg, MA 01420

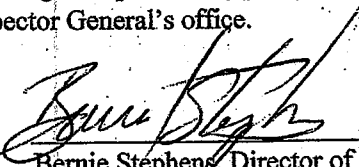
Dear Mayor DiNatale:

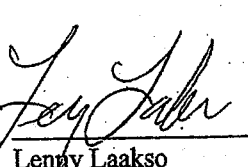
The Search Committee for Chief Procurement Officer (CPO) was appointed by you on February 16, 2016, to update the job description for CPO, advertise for and interview candidates for the position, and make a recommendation.

The committee completed the job description which was posted internally by the Director of Human Resources and advertised in The Beacon (Massachusetts Municipal Association) print edition and on-line edition; on the website of the Massachusetts Association of Public Purchasing Officials; and with Indeed.com- an employment related search engine. Eleven (11) applications were received, and the committee selected four (4) candidates to be interviewed, all of whom have municipal procurement experience in Massachusetts.

After careful consideration, the committee recommends that the mayor offer the position to Mary A. Delaney. We were impressed by Ms. Delaney's background and experience: she has been Director of Purchasing for the City of Gardner for the past 15 years, is certified as a Massachusetts Certified Public Purchasing Official, and is president of the Massachusetts Association of Public Purchasing Officials. She has implemented MUNIS for purchase requisitions in Gardner, which is one of our goals in Fitchburg. Most importantly, she demonstrated an understanding of the role of the CPO to facilitate the purchasing process for city departments while also ensuring that purchases are made in accordance with Massachusetts laws. Furthermore, we endorse her approach which is to work one-on-one with department heads to guide them through the purchasing process, and she is a proven teacher with experience as a trainer for the Inspector General's office.


Angelo Bisol
Ward 5 City Councillor


Bernie Stephens, Director of
Human Resources


Lenny Laakso
Commissioner of Public Works

Appointments read and referred to the Appointments Committee.

Communication
Pension Reserves
Investment
Management

COMMUNICATION FROM DEPARTMENT HEAD

Communication from the Pension Reserves Investment Management Board.

Pension Reserves Investment Management Board

84 State Street, Suite 250
Boston, Massachusetts 02109



Deborah B. Goldberg, Treasurer and Receiver General, Chair
Michael G. Trostky, CFA, Executive Director

Fitchburg Retirement System
General Allocation Account
FITCHBURG CITY CLERK

March 01, 2016 to March 31, 2016 16 APR 26 11 10

Your beginning net asset value for the period was:
Your change in investment value for the period was:
Your exchanges from (to) the Cash Fund for the period were:
Your ending net asset value for the period was:

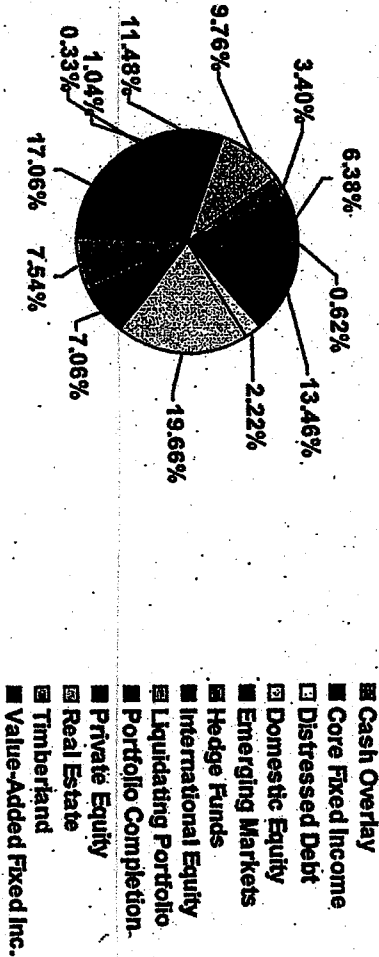
Month To Date	Fiscal Year To Date	Calendar Year To Date
90,527,602.55	92,975,211.21	94,859,956.33
3,998,084.58	(98,503.64)	1,665,730.80
0.00	1,648,979.56	(2,000,000.00)
94,525,687.13	94,525,687.13	94,525,687.13

Net Change in Investment Value represents the net change through investment activities as follows:
Gross Investment Income:
Less Management Fees:
Net Investment Income:
Net Fund Unrealized Gains/Losses:
Net Fund Realized Gains/Losses:
Net Change in Investment Value as Above:

326,245.55	1,771,309.56	587,625.88
(102,104.70)	(371,375.66)	(123,172.66)
224,140.85	1,399,933.90	464,453.22
3,335,504.95	(3,130,101.46)	778,803.19
238,438.78	1,631,663.92	422,474.39
3,998,084.58	(98,503.64)	1,665,730.80

As of March 31, 2016 the net asset value of your investment in the PRIT Fund was: \$94,525,687.13

PRIT Fund Core Asset Allocation
As of March 31, 2016



If you have any questions regarding your statement, please contact your Senior Client Services Officer Paul Todisco (617) 946-8423.
A detailed statement of your account is attached to this summary sheet.

Communication read and placed on file in the City Clerk's Office.

City of Fitchburg, May 3, 2016

COMMUNICATION - OTHER

Letter from Bovenzi & Donovan, Attorney for Eric W.
Sullender, Trustee, RE: Special Permit Petition #65-16.

Communication

Re: Special Permit
#65-16

BOVENZI & DONOVAN

ATTORNEYS AT LAW
14 MANNING AVENUE - SUITE 102
LEOMINSTER, MASSACHUSETTS 01453

TELEPHONE (978) 840-4500
FAX (978) 840-4660

THOMAS M. BOVENZI
JAMES M. DONOVAN*
*ALSO ADMITTED IN CONNECTICUT

JAMES MORIARTY III
OF COUNSEL

April 19, 2016

Anna M. Farrell, City Clerk
City of Fitchburg
166 Boulder Drive
Fitchburg MA 01420

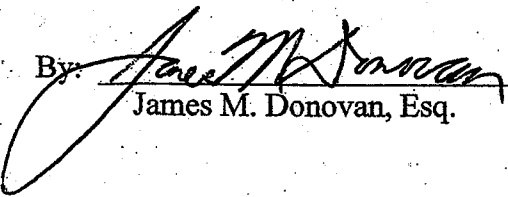
Re: Special Permit Petition - Neighborhood Development Trust
1089 Franklin Road, Fitchburg

Dear Ms. Farrell:

This letter shall serve to confirm our client Eric W. Sullender, Trustee of Neighborhood Development Trust's desire to withdraw its Special Permit Petition filed on March 25, 2016 with respect to the property at 1089 Franklin Road, Fitchburg.

Very truly yours,

Bovenzi & Donovan
Attorney for Eric W. Sullender, Trustee
Neighborhood Development Trust

By: 
James M. Donovan, Esq.

FITCHBURG CITY CLERK
16 APR 21 11 34

Communication read and referred to Special Permit Petition #65-16.

Special
Presentation

Shannon Grant

SPECIAL PRESENTATION
Shannon Grant

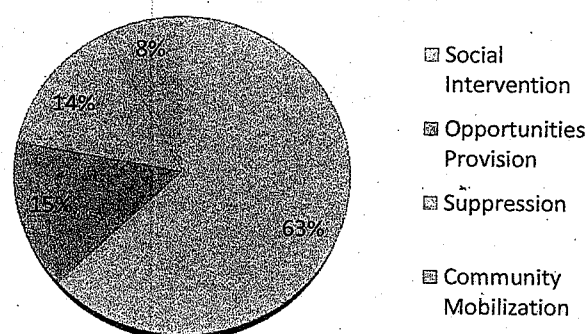
A presentation on behalf of the Fitchburg Police Department was made by Wil Renderos.
The following handouts were distributed to the Councillors.

Tri-City (Fitchburg, Leominster, Gardner) Shannon CSI, 2015

Funded Partners: Fitchburg Police, Leominster Police, Gardner Police, Elm St. Congregational Church, House of Peace Education, Montachusett Opportunity Council, Mount Wachusett Community College Division of Access and Transition, Shining Light Ministries, Inc., United Neighbors of Fitchburg, Inc./ Cleghorn Neighborhood Center

This initiative is funded by the Massachusetts Executive Office of Public Safety and Security, Office of Grants and Research, Justice and Prevention Division, Daniel Bennett, Secretary

Figure 1. Tri-City Shannon CSI 2015
Funding Allocation: \$228,200



Highlights of Shannon Participants:

Funded Population:

- 17 funded programs
- 1,659 youth served
 - 37 are known to be proven-risk or gang involved

Education/Employment:

- 282 in educational programs
- 85 in subsidized summer employment
- 124 completed a job training program

Law Enforcement/Courts and Prosecution:

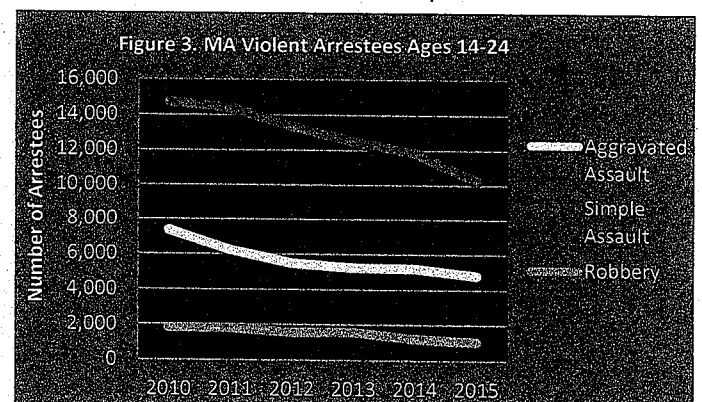
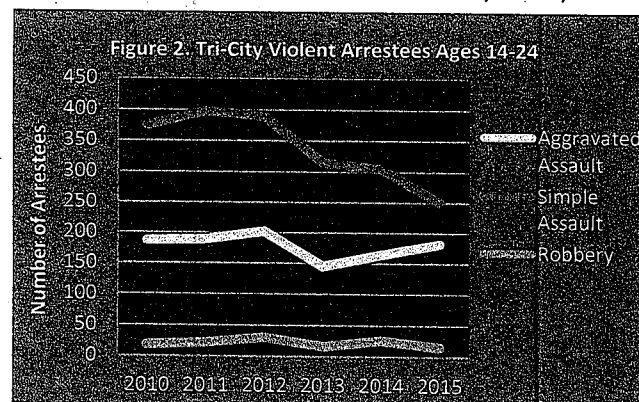
- 77 hot spot patrols completed
 - 18 arrests made of gang members or high impact players
- 87 law enforcement supported home visits completed

Personal Development:

- 523 participated in youth development programs
- 148 participated in community service

Community Gang Problem: Given the proximity of Fitchburg, Leominster, and Gardner, individuals engaged in criminal and gang activity move across the borders of these cities. The Fitchburg Police Department maintains a regional gang database comprised of 280 active and former gang members. In 2015, Fitchburg Police received 78 shots fired calls and recovered approximately 59 spent shell casings. According to the Massachusetts State Police, an increased number of violent Blood gang members are relocating to Fitchburg area from New York. These gang members have begun to establish themselves in the firearm and narcotics trade. Leominster has witnessed an increase in larceny, counterfeiting, and motor vehicle theft. Gardner has experienced an increase in youth violence and drug crimes.

Shannon Strategy: In 2015, Tri-City received \$228,200 in Shannon CSI funds to engage community agencies, police, faith-based organizations, public schools, and a community college in a multi-disciplinary strategy. This strategy strives to keep high-risk youth connected to school, enhance out-of-school violence prevention and intervention activities, and expand individualized outreach efforts to at-risk and high-risk youth. As Figure 2 shows, over the past five years of Shannon CSI funding, Tri-City has experienced relatively steady declines in youth and young adult arrests for simple assaults.



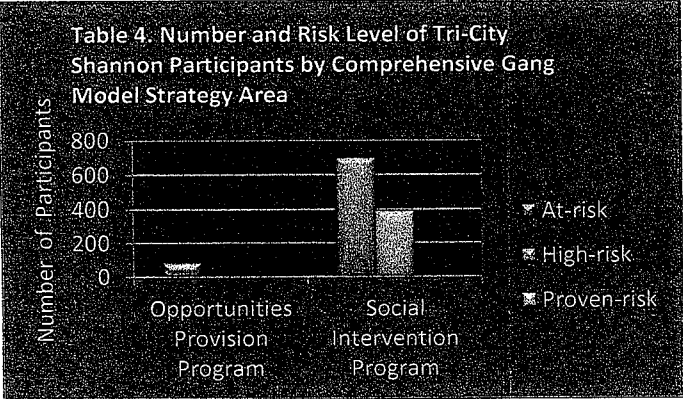
Prepared in collaboration with the Research and Policy Analysis Division and the Shannon CSI Statewide Research Partner-Clark University. Information contained in this report is from funding applications, quarterly reports supplied by the site, DESE, US Census, MA Executive Office of Labor and Workforce Development, and MA State Police Crime Reporting Unit.

Community Risk Factors

Each community receiving Shannon CSI funds must demonstrate a need for funding based on a high number of risk factors present in the community which perpetuates youth and gang violence. On average, about 15% of the population in these three communities is below the poverty line, with more than 40% of students categorized as economically disadvantaged, more than one half of students in Fitchburg alone. The four-year dropout rate is 7.8%, almost 3 percentage points above the state rate. Given these community level risk factors, the successful transition of many Tri-City youth into adulthood is challenging compared to other non-disadvantaged communities.

Table 1. Tri-City Risk Factors, 2015				
	Fitchburg	Gardner	Leominster	State
Poverty/ Unemployment				
Poverty ^a	20.6%	14.4%	10.5%	11.4%
Economically Disadvantaged ^b	52.9%	43.1%	33.1%	26.3%
Unemployment rate	6.7%	6.5%	5.6%	4.6%
Education/ School Performance				
Graduation rate	73.2%	82.3%	90.7%	87.3%
Dropout rate	11.3%	8.0%	4.2%	5.1%
ELL Students	14.6%	4.3%	5.0%	8.5%
Suspension rate	7.0%	5.1%	2.4%	2.9%
Bachelor's Degree (25+)	20.1%	17.2%	25.8%	39.4%
Total population (2014 estimate)	40,445	20,381	41,150	6,745,408
Total public school population (2014-2015)	5,041	2,473	6,096	955,844

^aAs defined by the US Census Bureau
www.census.gov/hhes/www/poverty/about/overview/measure.html
^bAs defined by the MA Department of Elementary and Secondary Education
<http://www.doe.mass.edu/info/services/data/ed.html>



Individual Risk Level Definitions

At-risk youth are in danger of engaging in risky behaviors because of the presence of risk factors in their environment (either home or community). These factors include but are not limited to: lack of healthy role models; poor community education outcomes; high rates of community substance abuse; high rates of community violence; and high unemployment and/or poverty rates.

High-risk youth are exposed to similar risk factors as at-risk youth, and are exposed to additional risk factors such as school failure or early school leaving; substance abuse; court involvement; witnessing violence; or violent victimization.

Proven-risk youth are identified as those youth being perpetrators or victims of shooting or stabbing violence.

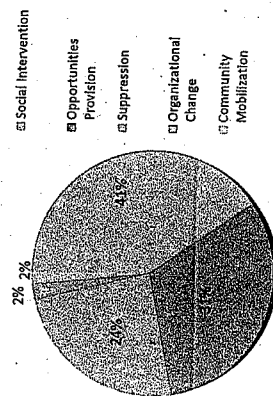
- Overview: Office of Juvenile Justice and Delinquency Prevention Comprehensive Gang Model**
- The Commonwealth of Massachusetts's Shannon Community Safety Initiative (CSI) is modeled after the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Comprehensive Gang Model (CGM). The CGM is a multi-sector approach to addressing a community's gang and youth violence problem. After completing a needs assessment, communities assemble a steering committee which uses data to develop strategies in the following five areas:
- **Social intervention programs** for gang involved and proven risk youth include street outreach and case management. These programs reach out and act as links to gang-involved youth, their families, and other traditional social service providers. For high risk youth and at-risk youth, social intervention programs can include drop-in recreation, positive youth development, and other mechanisms to reach young people and connect them to positive adults and constructive activities.
 - **Suppression programs** include close supervision or monitoring of gang involved youth and other high impact players by police, prosecutors, probation officers, and other officers of the court. These programs include hotspot patrols, law enforcement home visits, ride-alongs, re-entry, and special prosecutors.
 - **Opportunity provision programs** provide education, training, and employment programs for gang involved youth and young people at high risk for youth violence and gang involvement.
 - **Organizational change** is the development and implementation of policies and procedures that result in the most effective use of available and potential resources, within and across agencies, to better address the gang problem.
 - **Community mobilization** includes educating the community about gang and youth violence trends in their city or neighborhood and involving them in strategies to confront the problem.

2015 Senator Charles E. Shannon, Jr. Community Safety Initiative Summary

Funded Cities: Boston; Brockton; Fall River; Haverhill; Methuen; Holyoke; Chicopee; Lawrence; Lowell; Lynn; Metro Mayors Coalition (Cambridge, Chelsea, Everett, Malden, Quincy; Revere; Somerville, Winthrop); New Bedford; Pittsfield; Springfield; Taunton; Attleboro; Tri-City (Fitchburg, Leominster, Gardner); Worcester.

This Initiative is funded by the Massachusetts Executive Office of Public Safety and Security, Office of Grants and Research, Justice and Prevention Division, Daniel Bennett, Secretary

Figure 1. Statewide Shannon CSI 2015 Funding Allocation: \$7,443,694



Highlights of Shannon Participants:

- Funded Population:**
 - 177 funded programs
 - 25,413 youth served
 - 1,934 known to be gang involved or proven risk
- Education/Employment:**
 - 71 obtained a high school equivalency diploma
 - 647 had subsidized summer employment
- Personal Development:**
 - 1,904 received case management
 - 9,205 participated in youth development programs
 - 620 participated in volunteer work or community service
- Law Enforcement/Courts and Prosecution:**
 - 2,786 hotspot patrols completed
 - 304 gang members or high impact players arrested during Shannon funded operations
- Community Mobilization:**
 - 315 community information meetings related to gang and youth violence held for local residents

Shannon Strategy: During 2015, fifteen Shannon funded sites received a combined \$7.4 million to aid in the reduction of youth and gang violence within these communities. From 2010 through 2015, Shannon funded communities experienced declines in youth and gang violence with the number of arrests of youth and young adults (ages 14 to 24) decreasing 34.6% for aggravated assault, 24.3% for simple assault, and 38.4% for robbery.

Figure 2. Shannon CSI Violent Arrestees, Ages 14-24

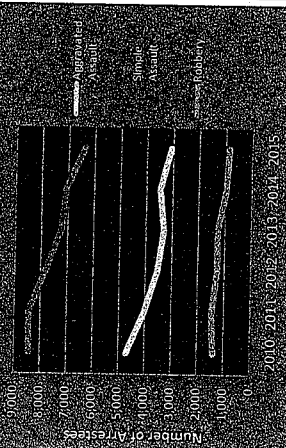
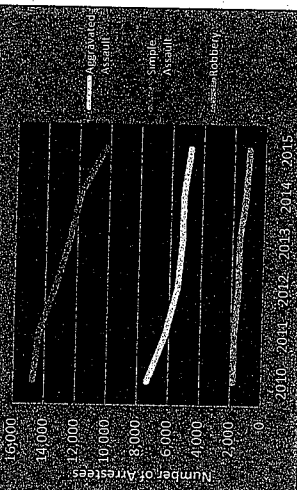


Figure 3. MA Violent Arrestees, Ages 14-24



Overview of the Office of Juvenile Justice Delinquency Prevention Comprehensive Gang Model

The new *Office of Juvenile Justice Delinquency Prevention Comprehensive Gang Model* (CJGCM) is a multi-sector approach to addressing a community's gang and violence problem. After completing a needs assessment, communities assemble a steering committee which uses data to develop strategies in the following five areas:

- **Social intervention programs** for gang involvement and proven risk youth include street outreach and case management. These programs reach out and act as links to gang-involved youth, their families, and other traditional social service providers. For high risk youth and at-risk youth, social intervention programs can include drop-in recreation, positive youth development, and other mechanisms to reach young people and connect them to positive adults and constructive activities.
- **Suppression programs** include close supervision or monitoring of gang involved youth and other high impact players by police, prosecutors, probation officers, and other officers of the court. These programs include hotspot patrols, law-enforcement home visits, ride-alongs, re-entry, and special prosecutors.
- **Opportunity provision programs** provide education, training, and employment programs for gang-involved youth and young people at high risk for youth violence and gang involvement.
- **Organizational change** is the development and implementation of policies and procedures that result in the most effective use of available and potential resources, within and across agencies, to better address the gang problem.
- **Community mobilization** includes educating the community about gang and youth violence trends in their city or neighborhood and involving them in strategies to confront the problem.

Each community that receives Shannon CSI funds has demonstrated risk factors for youth and gang violence. The Shannon sites report having local affiliates of national gangs such as Bloods, Crips, and Latin Kings, as well as 'homegrown' local gangs. Gang members are responsible for a significant portion of violence in their communities and are associated with drug trafficking in some Shannon cities. Serious violent crime involving knives and guns tends to be concentrated in geographic hotspots and among relatively small groups of individuals who are known to each other. In many cases they are rival gang members.

Special
Presentation

Shannon Grant

Shannon funded Full Time Equivalent Staff

Shannon funding supports youth workers, case managers, and outreach workers who assist with the positive development of at-risk and high-risk Shannon youth, as well as an estimated 20,000 hours of overtime funding for police for suppression efforts. This investment equates to 262.5 total full time equivalent (FTE) positions. These positions facilitate information sharing across sectors and allow for a range of youth development, diversion, suppression, outreach, case management, and community engagement programs.

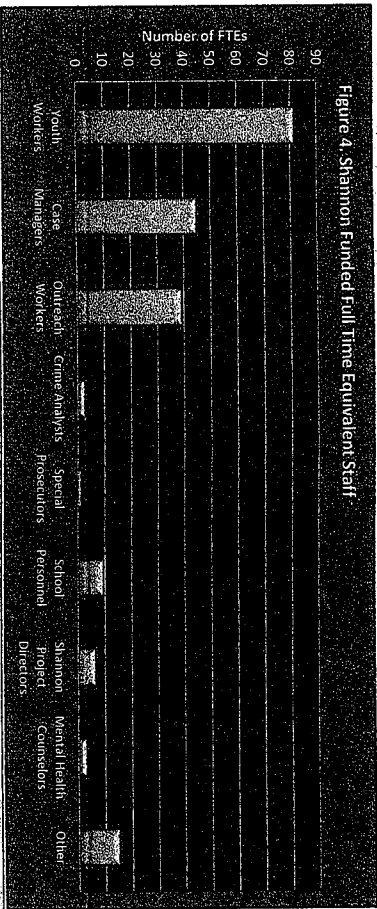
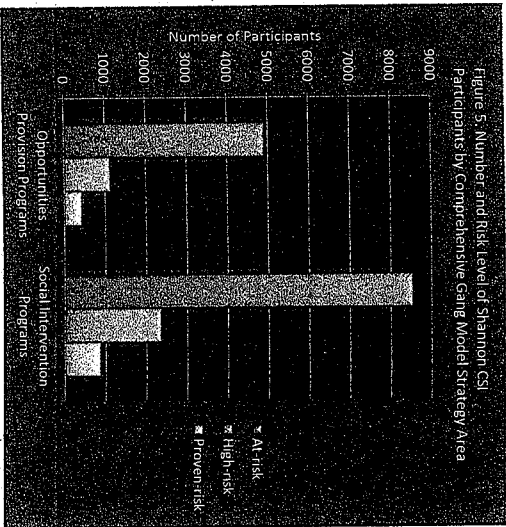


Figure 5. Number and Risk Level of Shannon CSI Participants by Comprehensive Gang Model Strategy/Area



Individual Risk Level Definitions

At-risk youth are in danger of engaging in risky behaviors due to the presence of risk factors in their environment (either home or community). These factors include, but are not limited to: lack of healthy role models; poor community education outcomes; high rates of community substance abuse; high rates of community violence; and high unemployment and/or poverty rate.

High-risk youth are exposed to similar risk factors as at-risk youth, and are exposed to additional factors such as school failure or early school leaving; substance abuse; court involvement; witnessing violence; or violent victimization.

Proven-risk youth are identified as those youth being perpetrators of or victims of shooting or stabbing violence.

Table 1. Shannon CSI Community Risk Factors, 2015

2019	MA	Boston	Brockton	Fall River	Lawrence	Lowell	Lynn	New Bedford	Pittsfield	Springfield	Worcester	Haverhill/ Methuen	Holyoke/ Chicopee	Metro Mayors Coalition	Taunton/ Attleboro	Tri-City	Leominster											
Poverty	11.4%	21.4%	17.9%	23.3%	29.2%	19.0%	21.0%	23.5%	17.1%	28.4%	21.4%	11.9%	8.5%	31.5%	18.6%	14.7%	23.7%	13.2%	16.0%	10.3%	15.4%	14.6%	9.2%	12.8%	9.0%	20.6%	14.4%	10.5%
Economically Disadvantaged	26.3%	49.3%	45.5%	56.6%	61.7%	49.0%	46.2%	55.6%	43.4%	67.6%	49.4%	38.1%	28.2%	67.4%	48.4%	27.7%	47.7%	40.8%	39.0%	32.4%	37.4%	35.5%	23.9%	36.7%	26.3%	52.9%	43.1%	31.1%
Unemployment rate	4.6%	4.1%	6.4%	6.0%	9.3%	6.1%	5.1%	8.0%	5.8%	8.8%	5.4%	5.1%	5.1%	7.6%	6.2%	2.8%	4.8%	4.3%	4.0%	4.4%	5.2%	3.0%	4.4%	5.7%	4.5%	6.7%	6.5%	5.6%
Education/School Performance																												
Graduation (four-year)	87.3%	70.7%	76.8%	70.4%	71.8%	78.6%	74.9%	57.5%	82.9%	66.7%	80.1%	73.4%	86.6%	80.2%	91.5%	62.9%	78.5%	79.6%	90.1%	82.9%	81.4%	86.0%	87.0%	82.8%	73.7%	82.3%	90.7%	
Drop-out (four-year)	5.1%	11.9%	9.5%	16.0%	10.6%	6.8%	12.9%	20.0%	8.1%	16.4%	7.2%	14.0%	5.8%	19.3%	10.0%	3.6%	19.4%	10.0%	7.0%	3.5%	7.9%	11.7%	5.9%	5.0%	5.6%	11.5%	8.0%	4.2%
ELL Students	8.5%	75.8%	20.0%	7.8%	29.5%	26.6%	18.8%	10.8%	4.4%	17.2%	35.1%	7.3%	7.8%	28.5%	4.6%	8.2%	24.1%	14.9%	19.0%	14.0%	16.0%	17.4%	7.7%	3.3%	7.7%	14.6%	4.3%	5.0%
Suppression (out-of-school)	2.9%	4.8%	5.2%	9.6%	3.9%	6.2%	8.1%	5.7%	1.7%	8.7%	5.0%	4.7%	3.7%	5.3%	5.5%	2.2%	2.7%	4.6%	1.7%	2.4%	2.3%	2.3%	1.7%	4.8%	5.2%	7.0%	5.1%	2.4%
Bachelor's Degree (25+)	39.4%	43.5%	18.0%	13.9%	11.1%	22.4%	18.8%	13.0%	25.0%	17.2%	29.8%	28.5%	29.2%	20.2%	17.6%	73.5%	15.6%	15.6%	15.6%	31.9%	38.6%	18.7%	35.2%	35.8%	18.0%	30.1%	20.1%	25.8%
Total population (2014 estimate)	6,942,000	653,800	94,720	89,720	78,320	109,900	92,120	94,460	49,870	153,920	280,020	62,480	42,110	40,220	51,780	109,640	38,850	44,210	60,890	98,970	54,150	78,300	14,320	55,540	49,970	44,460	28,880	41,190
Total public school population (2014-2015)	559,940	54,120	17,280	10,240	18,880	14,070	14,070	12,590	5,740	23,660	25,290	7,240	6,630	5,570	7,940	6,630	5,530	7,020	6,640	9,920	7,020	4,480	1,980	7,880	5,970	5,940	2,470	4,090

As defined by the US Census Bureau www.census.gov/hhes/www/poverty/about/overview/measures.html

As defined by the US Census Bureau www.census.gov/hhes/www/poverty/about/overview/measure.html

Prepared in collaboration with the Research and Policy Analysis Division and the Shannon CSI Statewide Research Partner-Clark University.

Information contained in this report comes from funding applications, quarterly reports supplied by each site, U.S. Census, MA Executive Office of Labor and Workforce Development, and MA State Police Crime Reporting Unit.

Reports of
CommitteesAppointments
Committee
Oral ReportCity Property
Committee
Oral Report

REPORTS OF COMMITTEES

APPOINTMENTS COMMITTEE

Oral Report of meeting to be held on May 3, 2016 at 6:45PM

The Appointments Committee recommended the following
Appointments be confirmed:

Re-Appointment:Human Rights Commission

Mr. David Roth, 303 Tibbett Circle, Fitchburg, MA 01420
(Term to expire May 1, 2018)

New Appointment:Board of Library Trustees

Ms. Rosa M. de Sousa, 26 West St., Fitchburg, MA 01420
(Term to expire January 1, 2019)

Report read and accepted. Appointments confirmed by unanimous
vote. 11 members present. Board consists of 11 members.

City Property Committee Oral Report
Meeting of April 26, 2016

The City Property Committee recommended the following Petition
be granted:

070-16. Mary Jo Bohart, Economic Development Director, to
declare as excess the following properties and refer
them to the Chief Procurement Officer for advertising
and sale:
617 Water Street and "O" Lancaster Street
50 Laurel Street

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

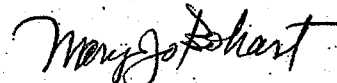
After receiving surplus needs surveys from the City Clerk, declare as excess the following
properties and refer them to the Chief Procurement Officer for advertising and sale.

1. 617 Water Street and "O" Lancaster Street
2. 50 Laurel Street

Parcels: 109-32-0 and 109-11-0
Parcel: 55-10-0

These parcels have had tax liens on them for many years. In December, 2015, Land Court issued
judgment in the city's tax lien foreclosure cases on these properties. They now are owned by the city.
Selling these properties will put them back on the tax rolls.

Respectfully submitted,



Mary Jo Bohart
Economic Development Director

FITCHBURG CITY CLERK
16 MAR 31 12 12

City of Fitchburg,

May 3, 2016

Reports of
Committees

City Property
Committee
Oral Report (cont)

[SEAL]

617 Water Street Bk 8482 Pg 214 #378
01-11-2016 @ 09:25a
COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

Case No.: 14 TL 150193

JUDGMENT IN TAX LIEN CASE

City of Fitchburg

vs.

Deanne M. Ludwick

This case came on to be heard and was argued by counsel, and thereupon, upon consideration thereof, it is

ADJUDGED and ORDERED that all rights of redemption are forever foreclosed and barred under the following deed(s) given by and/or the tax taking(s) made by the Collector of Taxes for the City of Fitchburg in Worcester County and said Commonwealth:

<u>Land Type</u>	<u>Tax Taking Date</u>	<u>Book No.</u>	<u>Page No.</u>	<u>Document No.</u>	<u>Certificate of Title No.</u>
Recorded	03/14/2008	6691	238		

By the Court: Deborah J. Patterson

Attest:

A TRUE COPY
ATTEST:

Deborah J. Patterson
Recorder

Deborah J. Patterson
Recorder

Entered: December 1, 2015

ATTEST NO. WORD. REGISTRY OF DEEDS
KATHLEEN REYNOLDS DAIGNEAULT, REGISTER

Reports of
Committees
City Property
Committee
Oral Report (cont)

[SEAL]

0 Lancaster Street

Bk 2482 Pg 286 #413
01-11-2016 @ 11:44a

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

Case No.: 14 TL 149810

JUDGMENT IN TAX LIEN CASE

City of Fitchburg

vs.

Deanne M. Ludwick

This case came on to be heard and was argued by counsel, and thereupon, upon consideration thereof, it is

ADJUDGED and ORDERED that all rights of redemption are forever foreclosed and barred under the following deed(s) given by and/or the tax taking(s) made by the Collector of Taxes for the City of Fitchburg in Worcester County and said Commonwealth:

<u>Land Type</u>	<u>Tax Taking Date</u>	<u>Book No.</u>	<u>Page No.</u>	<u>Document No.</u>	<u>Certificate of Title No.</u>
Recorded	03/14/2008	6691	236		

By the Court: Deborah J. Patterson

Attest:

A TRUE COPY
ATTEST:Deborah J. Patterson
RecorderDeborah J. Patterson
Recorder

Entered: December 9, 2015

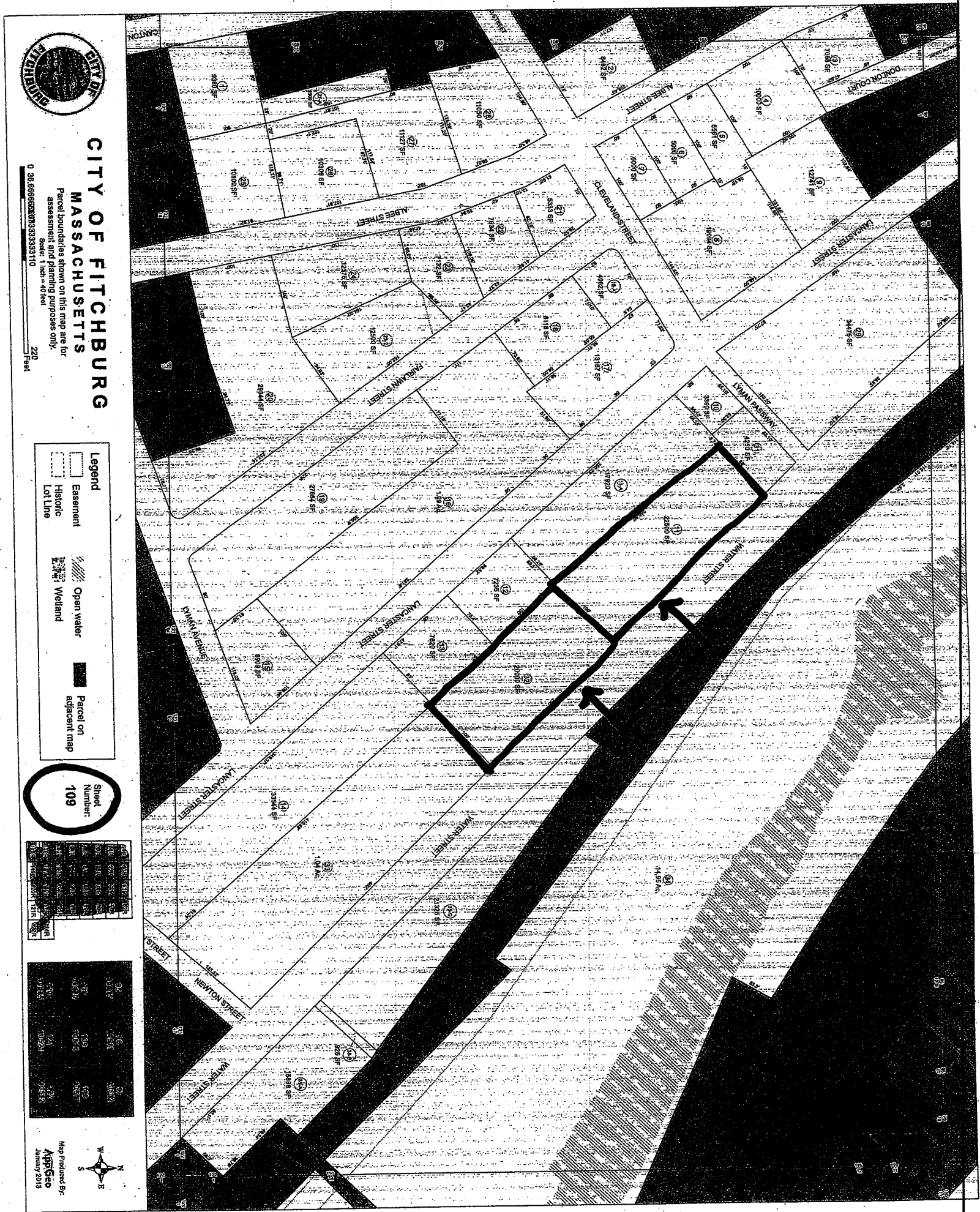
RECORDED
INDEXED03/14/2008
1,2 1,281, 2,0000001
000000ATTEST: NO. WORC. REGISTRY OF DEEDS
KATHLEEN REYNOLDS DAIGNEAULT, REGISTER

RECORDED

INDEXED

11/13/15

FEB 10 2016



Reports of
Committees
City Property
Committee
Oral Report (cont)

[SEAL]

50 Laurel Street

BK 8482 Pg 213 #377
01-11-2016 a 09:25a

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

Case No.: 14 TL 149839

JUDGMENT IN TAX LIEN CASE

City of Fitchburg

vs.

Andrea Ridley Trustee of the 50 Laurel Street Realty Trust, Amara Ridley Trustee of the 50
Laurel Street Realty Trust

This case came on to be heard and was argued by counsel, and thereupon, upon consideration
thereof, it is

ADJUDGED and ORDERED that all rights of redemption are forever foreclosed and barred
under the following deed(s) given by and/or the tax taking(s) made by the Collector of Taxes for the
City of Fitchburg in Worcester County and said Commonwealth:

<u>Land Type</u>	<u>Tax Taking Date</u>	<u>Book No.</u>	<u>Page No.</u>	<u>Document No.</u>	<u>Certificate of Title No.</u>
Recorded	03/15/1995	2700	309		

By the Court: Deborah J. Patterson

Attest:

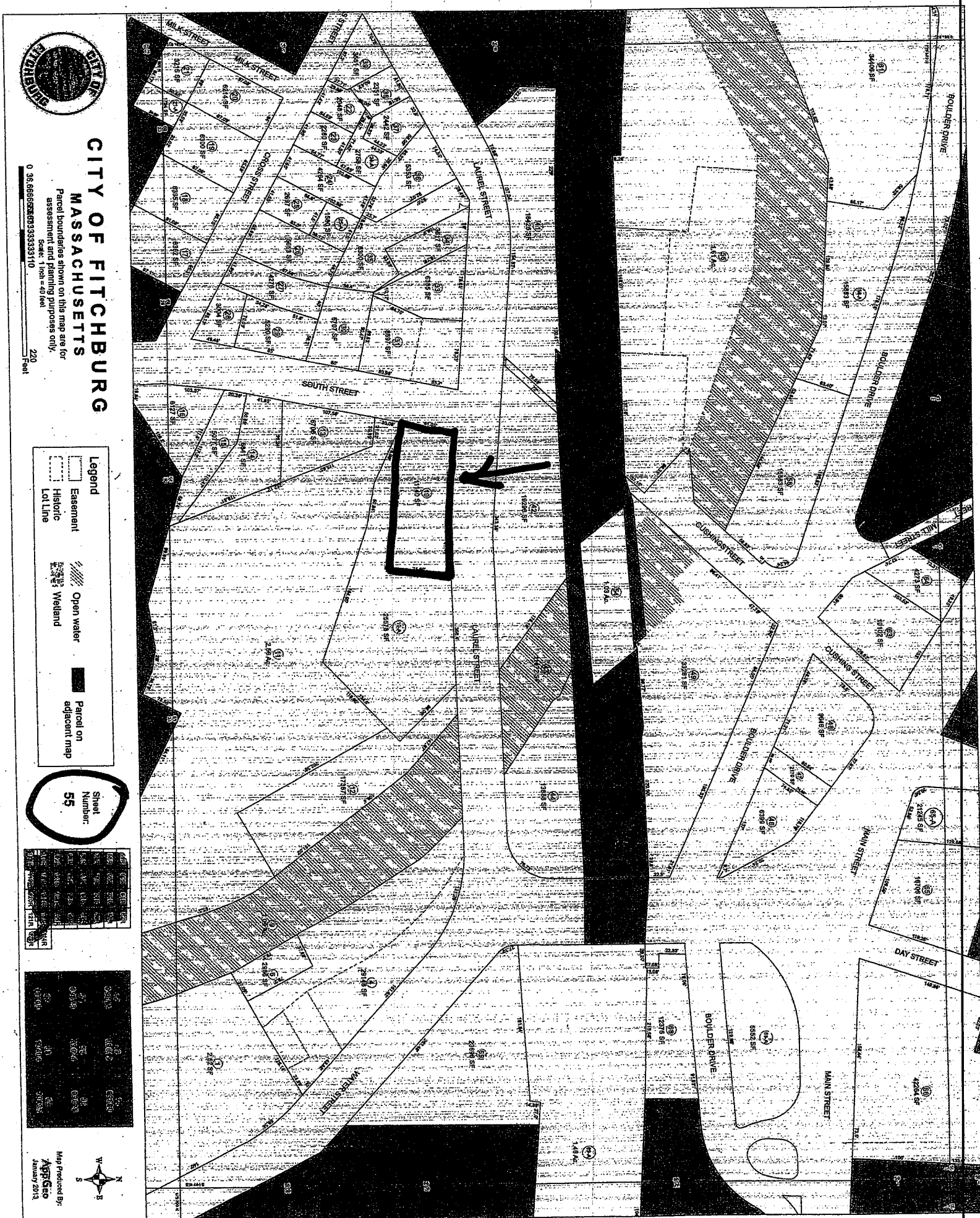
A TRUE COPY
ATTEST:Deborah J. Patterson
RECORDERDeborah J. Patterson
Recorder

Entered: December 1, 2015

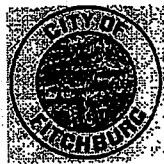
RECORDED
FEB 11 201603/12/2012
FEB 11 20163000
FEB 11 2016309
FEB 11 2016DOCKETED
FEB 11 2016

FEB 11 2016

ATTEST NO. WORC. REGISTRY OF DEEDS
KATHLEEN REYNOLDS DAIGNEAULT, REGISTER



Reports of
Committees
City Property
Committee
Oral Report (cont)



**CITY OF FITCHBURG
OFFICE OF THE CITY CLERK**

166 Boulder Drive
Fitchburg MA 01420

Anna M. Farrell, City Clerk
(978) 829-1820
www.fitchburgma.gov

Date: April 6, 2016

MEMORANDUM

To:	Fire Department	School Dept.	Community Development
	Police Department	Housing	
	IDC	FRA	
	Airport	Conservation	
	DPW	Historical Commission (c/o Mayor's office)	
	Treasurer	City Solicitor	
	Building	Health	
From:	City Council City Property Committee		
Subject:	Excess Needs Review and Departmental Comment		

16 APR - 8 08 26
FITCHBURG CITY CLERK

Kindly note your comments regarding the communications listed below and return to the City Clerk no later than April 13, 2016. If you have "No Comments" please indicate same in writing.

Reference:
070-16. Mary Jo Bohart, Economic Development Director, to declare as excess the following properties and refer them to the Chief Procurement Officer for advertising and sale:
617 Water Street and "O" Lancaster Street
50 Laurel Street

Your comments:

OK with Treasurer Department

(Attach separate page if necessary)

Your signature:

Al D. Bato

Date:

4-7-16

Thank you!

Report read and accepted. Petition granted by unanimous vote.
11 members present. Board consists of 11 members.

Reports of
Committees

Finance Committee

Finance Committee
Meeting of April 26, 2015

The Finance Committee recommended the following Loan Order be adopted:

- 073-16. LOAN ORDER: that the sum of Nine Hundred Thousand Dollars (\$900,000) be and hereby is appropriated to pay the cost of parking garage repairs, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$900,000 under G.L. c.44, s 7(3A) or any other enabling legislation; that the Mayor is authorized take any other action necessary or convenient to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Report read and accepted. Loan Order passed to a first reading ordered advertised by roll call vote of 11 in favor and 0 opposed. 11 members present. Board consists of 11 members.

The Finance Committee recommended the following Orders be adopted:

- 074-16. ORDERED THAT: There be and hereby is transferred the sum of THIRTY-SEVEN THOUSND DOLLARS (\$37,000) to TREASURER-TAX TITLE FORECLOSURE from accounts as follows: \$10,000 from TREASURER PERSONAL SERVICES, and \$27,000 from TREASURER DEBT SERVICE.
- 075-16. ORDERED THAT: There be and hereby is transferred the sum of THIRTY-NINE DOLLARS (\$39,000) from DPW-MUNICIPAL GARAGE EXPENSES to accounts as follows:
\$25,000 to DPW-STREETLIGHTS
\$10,000 to DPW HIGHWAY GENERAL PERSONAL SERVICES OVERTIME
\$ 4,000 to DPW-SNOW AND ICE EXPENSES
- 076-16. ORDERED THAT: There be and hereby is appropriated the sum of SIXTY THOUSAND DOLLARS (\$60,000), same to be credited to FIRE PERSONAL SERVICES OVERTIME and charged against AVAILABLE FUNDS.

Report read and accepted. Orders adopted by unanimous vote. 11 members present. Board consists of 11 members.
Orders signed by the Mayor May 5, 2016.

Reports of
Committees

Public Safety
Committee
Oral Report

Public Safety Committee Oral Report
Meeting of May 3, 2016

The Public Safety Committee recommended the following Petition
be held in Committee:

- 152-15. AKS Recycling, Inc., to petition for a Class III
Dealer's License to operate a vehicle recycling &
Salvage yard at 15 Cobbler Drive & 41 Blueberry Lane.

THE COMMONWEALTH OF MASSACHUSETTS
OF

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

FITCHBURG CITY CLERK
15 JUN 29 16 07

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a... III
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? AKS Recycling, Inc.

Business address of concern. No. 15 Cobbler Drive
Fitchburg 01420
City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Corporation

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Christopher Karras. 9 Pollack Road Middletown, MA 01949

Secretary Michael Karras. 10 Sawyer Lane Middletown, MA 01949

Treasurer Michael Karras. 10 Sawyer Lane Middletown, MA 01949

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? No

Is your principal business that of a motor vehicle junk dealer? No

City of Fitchburg,

May 3, 2016

Reports of
Committees
Public Safety
Committee

Oral report (cont)

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

AKS operates a solid waste transfer station & recycling facility on 3 properties owned by the corporation. AKS received a Special Permit from the ZBA to operate a vehicle recycling & salvage yard at 114R-8-0 (#41) Blueberry Lane and 114-10-25 (#15) Collier Drive. Junk vehicles will be staged on 41 Blueberry Lane and dismantled in the existing building at 15 Collier Drive. Reusable parts will be recycled as second hand parts. Other metals sold as scrap. Unrecyclable materials (e.g. seats) will be disposed of as MSW.

8. Are you a recognized agent of a motor vehicle manufacturer?

(Yes or No)

NO

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1?

(Yes or No)

NO

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof?

(Yes or No)

NO

If so, in what city — town

Did you receive a license?

(Yes or No)

For what year?

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked?

(Yes or No)

NO

Sign your name in full

(Duly authorized to represent the concern herein mentioned)

Residence 10 Sawyer Lane Middlebury MA 01949

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

Reports of
Committees
Public Safety
Committee

Oral report (cont)

7. Give a complete description of all the premises to be used for the purpose of carrying on the business. AKS operates a solid waste transfer station and recycling facility on three properties owned by the corporation located off Cobbler Drive and Blueberry Lane. AKS has received a Special Permit from the ZBA to operate a vehicle recycling and salvage business at 114R-8-0 (#41) Blueberry Lane and 114-10-2B (#15) Cobbler Drive. Junk vehicle will be staged on 41 Blueberry Lane and dismantled in the existing building located at 15 Cobbler Drive. Reusable parts will be recycled as secondhand parts. Other metals will be sold for scrap metal. Unrecycleable materials (e.g. seats) will be disposed of as MSW.

8. Are you a recognized agent of a motor vehicle manufacturer? No
(Yes or No)
If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1? No
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? No
(Yes or No)
If so, in what city — town

Did you receive a license? (Yes or No) For what year?

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No
(Yes or No)

Sign your name in full. (Duly authorized to represent the concern herein mentioned)

Residence 10 Sawyer Lane Middletown, MA 01949

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

Reports of
Committees
Public Safety
Committee

Oral report (cont)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation
(Approved or Disapproved)

License No. granted.....19.... Fee \$.....

Signed.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59: The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

Reports of
Committees
Public Safety
Committee

Oral report (cont)



The City of Fitchburg
ZONING Board of APPEALS
166 Boulder Drive
Fitchburg, Massachusetts

DECISION OF THE ZONING BOARD OF APPEALS

Members in Attendance: Lauren McNamara-Chair, James Concannon-Clerk
Joseph Byrne, Michael McLaughlin & Joseph Marrama

Case No. ZBA-2015-01

Petitioner: Michael Karras – AKS Recycling & Charles George Co.

Land Affected: 15 Cobbler Drive & 41 Blueberry Lane

Public meeting was held on April 14, 2015 at 8:30PM at the City Offices, 166 Boulder Dr., Fitchburg, Massachusetts for - Special permit §181.313.D.6 to conduct a vehicle recycling and salvage business in the Industrial District at 114R/8/0 41 BLUEBERRY LANE and 114R/10/2B 15 COBBLER DRIVE

At this time the Board of Zoning Appeals finds:

- A. Next week the petitioner is going before the Planning Board a second time for a site plan review. The will be presenting a revised plan which will address the concerns the Board had previously.
- B. The petitioner spoke to the criteria of a Special Permit and the Board is satisfied that he has met the criteria

With the above findings, the Zoning Board of Appeals voted **5-0** to **APPROVE** the Special permit §181.313.D.6 to conduct a vehicle recycling and salvage business in the Industrial District at 114R/8/0 41 BLUEBERRY LANE and 114R/10/2B 15 COBBLER DRIVE with the following conditions.

Conditions:

1. One year review on **April 12, 2016**
2. Sunset Clause

A Special Permit/Variance/Use Variance may be revoked or modified if the Zoning Board of Appeals finds, after hearing, with notice to parties in interest, that the grantee has violated any condition(s) imposed by the Special Permit/Variance/Use Variance.

The petitioner, his/her heirs and assigns shall be responsible to the City of Fitchburg for any violations of the Zoning by-laws and for violations of the conditions contained in any decision of the Zoning Board of Appeals. If said violation is found, a fine may be imposed in the amount of \$300.00 per day.

Any appeals shall be made pursuant to M.G.L. Ch. 40A §17 within twenty (20) days of the date of filing & recording with the City Clerk's Office and the Planning Board

Zoning Board of Appeals

Lauren McNamara-Chair

Variance, Special Permit, Use Variance or Constructive Grant of a Variance must be recorded in the Registry of Deeds for the county and district in which the land is located under the owner of record or is recorded and noted on the owner's certificate of title pursuant to M.G.L. Ch.40A §11. Building permit may be applied for at that time from the Building Department with a copy of the decision showing the Book and Page from the Registry of Deeds

City of Fitchburg

May 3, 2016

Reports of
Committees
Public Safety
Committee

Oral report (cont)



City of Fitchburg
OFFICE OF THE TREASURER

166 Boulder Drive
Fitchburg, MA 01420

Calvin D. Brooks
Treasurer/Collector

Date: 6-29-15

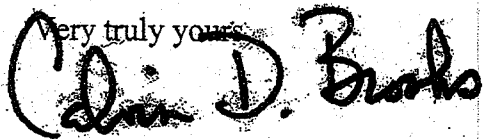
Name: AKS Recycling Inc.

Parcel ID: 1763

Address: 15 Cobbler Dr

CERTIFICATE OF TAX COMPLIANCE

This document signed by the Treasurer certifies that as of the above date, that the above named Applicant is in compliance and in good standing with its tax obligations and fees payable under City code, including real estate, personal property and water and sewer fees and is not a delinquent taxpayer (longer than 12 months outstanding). This Certificate is issued in compliance with Part II, Article 3, Chapter 120, Section 22, Subsection (C) as amended by City Council. This Certificate is required for all original applications and renewal applications for any license or permit, other than those referred to in Section 120-24, and issued by any Department, Officer, Board, or Commission of the City but not limited to Building Permits, Zoning Board Appeals Applicants, Planning Board Applications, and Special Permits.

Very truly yours,


Calvin D. Brooks
Treasurer/Collector
City of Fitchburg

Reports of
Committees
Public Safety
Committee

Oral report (cont)



City of Fitchburg
OFFICE OF THE TREASURER

166 Boulder Drive
Fitchburg, MA 01420

Calvin D. Brooks
Treasurer/Collector

Date:

6-29-15

Name:

AKS Recycling Inc

Parcel ID:

114R-8-0 U

Address:

41 Blueberry Lane

CERTIFICATE OF TAX COMPLIANCE

This document signed by the Treasurer certifies that as of the above date, that the above named Applicant is in compliance and in good standing with its tax obligations and fees payable under City code, including real estate, personal property and water and sewer fees and is not a delinquent taxpayer (longer than 12 months outstanding). This Certificate is issued in compliance with Part II, Article 3, Chapter 120, Section 22, Subsection (C) as amended by City Council. This Certificate is required for all original applications and renewal applications for any license or permit, other than those referred to in Section 120-24, and issued by any Department, Officer, Board, or Commission of the City but not limited to Building Permits, Zoning Board Appeals Applicants, Planning Board Applications, and Special Permits.

Very truly yours,

Calvin D. Brooks

Calvin D. Brooks
Treasurer/Collector
City of Fitchburg



CITY OF FITCHBURG
PLANNING BOARD
301 BROAD STREET
FITCHBURG, MASSACHUSETTS 01420

(978) 829-1891
PHONE

(978) 345-9687
FAX

15 JUN 18 11 32
FITCHBURG CITY CLERK

Site Plan Approval

INTRODUCTION

Proposed Use: Processing
Applicant: AKS
Location: 15 Cobbler Drive, 41 & 69 Blueberry Lane
(Assessors map 114R-8-0, 114R-8-A, 114R-10-2B, 122R-5-0)
Zoning District: Industrial
Relief Sought: Site Plan Approval under Sec. 181.94
Meeting Date: March 17 & April 21, 2015
Members Present: Caron, DiPasquale, Fontaine, Hurley, Sweeney, Van Hazinga (6)
Vote: 6-0 to Approve Minor Site Plan

FINDINGS

Materials submitted:

- "Facility Site Plan - Proposed Vehicle Salvage & Recycling Yard, A.K.S. Recycling, Inc., #15-35 Cobbler Drive, Fitchburg" prepared by Alton Engineering, Inc., dated 1/21/2015.
- Aerial photo of site with parking and vehicle circulation overlay.

PROJECT INFORMATION

A.K.S. Recycling, Inc., proposes to use the parcels at 15 Cobbler Drive, 41 & 69 Blueberry Lane for the salvage and recycling of used automobile vehicles. Existing buildings will be used; no new construction or clearing. The activity will be outside of the 200-foot Riverfront Area and will be located on previously cleared and developed land.

Site Plan Review Criteria

Section 181.94 of the Zoning Ordinance states that Planning Board Site Plan Approval determinations shall consider the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, with the performance objectives as listed in 181.945 and other Zoning Ordinance provisions including parking and landscaping.

This Section also states that the Planning Board may impose reasonable conditions at the expense of the applicant, including but not limited to those set forth in Section 181.935, to promote these objectives. No deviation from an approved site plan shall be permitted without modification thereof.

The Planning Board may waive any of the technical requirements of Section 181.943, 181.516, 181.543, 181.544 and 181.545 where the project involves relatively simple development plans or constitutes a minor site plan.

Reports of
Committees
Public Safety
Committee

Oral report (cont)

Site Plan Approval, AKS Recycling, Cobbler Dr.

Page 2 of 2

DECISION

On April 21, 2015, the Fitchburg Planning Board voted 6-0 (Board consists of 7 members) to **APPROVE** a Minor Site Plan under Section 181.94 and the Fitchburg Planning Board Rules and Regulations for Special Permits and Site Plan Review, with the following conditions:

1. Conformance with site plan referred to above, dated 1/21/2015.
2. Pavement to be installed within one year (June 2016) and pavement markings and signage for circulation through site to be finalized within six months after that.
3. A duly authorized agent of the City of Fitchburg shall have the right to enter upon the site to ensure continued compliance with the terms and conditions of this approval.
4. Subject to obtaining any other necessary other local, state, and federal permits and approvals.
5. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by a majority vote of the Planning Board upon the written request of the applicant.
6. Unless waived in writing either within the decision or on the site plan, all other applicable provisions of the City of Fitchburg zoning ordinances, codes, and rules and regulations apply to this site.
7. Site plan subject to one year review by Planning Board.



Paula Caron, Chair
Fitchburg Planning Board

6/15/2015
Date

Failure to comply with the conditions herein or failure to otherwise remain in compliance with future requirements applicable to this permit are subject to penalties under 181.913 of the Fitchburg Zoning Ordinance.¹

¹ According to Zoning Code of the City of Fitchburg under 181.913 Penalties: The penalty for violation of any provision of this ordinance, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be three hundred dollars (\$300) for each offense. Each day that each violation continues shall constitute a separate offense.

Report accepted. Petition held in Committee by unanimous vote.
11 members present. Board consists of 11 members.

City of Fitchburg,

May 3, 2016

The Public Safety Committee recommended the following Petition
be held in Committee:

039-16. Class II Car Dealer petition of Carlos Bismark Terrero
dba Millennium Motors, 34 Bemis Road.

Reports of
Committees
Public Safety
Committee

Oral report (cont)

THE COMMONWEALTH OF MASSACHUSETTS

OF

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

FITCHBURG CITY CLERK

MAY 18 11 02

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a.....
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? *Millennium Motors*

Business address of concern. No. *34 Bemis Rd.* St.,
Fitchburg, MA 01420 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? *Individual*

3. If an individual, state full name and residential address.

Carlos Bismark Terrero
85 Canton St, Fitchburg MA 01420

4. If a co-partnership, state full names and residential addresses of the persons composing it.

N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President *N/A*

Secretary *N/A*

Treasurer *N/A*

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? *Yes*

If so, is your principal business the sale of new motor vehicles? *No*

Is your principal business the buying and selling of second hand motor vehicles? *Yes*

Is your principal business that of a motor vehicle junk dealer? *No*

Reports of
Committees
Public Safety
Committee

Oral report (cont)

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.
Photos are attached.
8. Are you a recognized agent of a motor vehicle manufacturer? *No*
(Yes or No)
If so, state name of manufacturer
9. Have you a signed contract as required by Section 58, Class 1? *No*
(Yes or No)
10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? *No*
(Yes or No)
If so, in what city — town *N/A*
Did you receive a license? *N/A* For what year? *N/A*
(Yes or No)
11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? *No*
(Yes or No)

Sign your name in full.

(Duly authorized to represent the concern herein mentioned)

Residence. *85 Canton St. Fitchburg MA 01420*

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

Reports of
Committees
Public Safety
Committee

Oral report (cont)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation
(Approved or Disapproved)

License No. granted 19 Fee \$

Signed.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59: The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

Reports of
Committees
Public Safety
Committee

Oral report (cont)



Fitchburg, Massachusetts
Office of the
Building Commissioner

ROBERT LANCIANI
Building Commissioner

JOHN J. MORAN SR.
Local Building Inspector

KYLE RIDLEY
Inspector of Wires

WAYNE LITTLE
Plumbing/Gas Inspector

November 12, 2015

Millenium Motors
Carlos B. Terrero
85 Canton Street
Fitchburg, MA 01420

RE: Zoning Determination for property at 34 Bemis Rd, Map 141 Block 4 Lot 0

Dear Mr. Terrero:

I have reviewed your letter of October 16, 2015, regarding a zoning determination for 34 Bemis Rd, Map 141 Block 4 Lot 0 and my findings are as follows:

1. Land and buildings at 34 Bemis Rd, Map 141 Block 4 Lot 0, are located in an Industrial District (Zoning Map of the City of Fitchburg and Chapter 181, Section 181.23 of the General Ordinances of Fitchburg as amended).
2. It is your intent to use the property for auto sales, a use not allowed in an Industrial District under Table 181.313 C 11 of the Fitchburg Zoning Ordinance.

Therefore your request is denied. You may however appeal our denial to the Board of Zoning Appeals. Applications for a Variance are available at the City Clerk's office at City Hall. If you have any questions regarding this letter, please feel free to write or call this office.

Additionally you will need to approach the Planning Board for a Site Plan review. Applications for the Planning Board are also available from the City Clerk's office.

If you have any questions regarding this zoning determination, please feel free to write or call this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert Lanciani", written over the typed name.

Robert Lanciani
Building Commissioner

City Hall, 166 Boulder Drive, Fitchburg, MA 01420 (978) 829-1880 Fax (978) 829-1963

Report accepted. Petition held in Committee by unanimous vote.
11 members present. Board consists of 11 members.

The Public Safety Committee recommended the following Petition be tabled until the next Public Safety Committee meeting:

180-15. Councillor Michael Kushmerek, to install a traffic mirror on Pearl Street, opposite its intersection with Longwood Avenue.

Reports of
Committees
Public Safety
Committee

Oral report (cont)

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

Install a traffic mirror on Pearl Street, opposite its intersection with Longwood Avenue

Councillor Michael Kushmerek

FITCHBURG CITY CLERK
15 AUG 10 09 44

Report accepted. Petition tabled by unanimous vote. 11 members present. Board consists of 11 members.

Reports of
Committees
Public Safety
Committee

Oral report (cont)

The Public Safety Committee recommended the following Petition
be granted:

080-16. Class II Car Dealer License: Jeffrey Knowlton, 200
River Street.

THE COMMONWEALTH OF MASSACHUSETTS

City OF Fitchburg

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

FITCHBURG CITY CLERK
16 APR 15 44

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? JEFFREY Knowlton

FROSTHOW CUSTOMS

Business address of concern. No. 200 RIVER St. St.,

Fitchburg MA 01420 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?

Individual

3. If an individual, state full name and residential address.

JEFFREY Knowlton

22 HARRISON AVE Fitchburg MA 01420

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President

Secretary

Treasurer

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES

If so, is your principal business the sale of new motor vehicles?

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer?

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

..... MOSTLY MOTORCYCLES AND INSIDE THE
..... PREMISES TO BE SOLD

8. Are you a recognized agent of a motor vehicle manufacturer? NO
(Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1?
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES
(Yes or No)

If so, in what city — town FITCHBURG

Did you receive a license? YES For what year? 2014
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO
(Yes or No)

Sign your name in full.
(Duly authorized to represent the concern herein mentioned)

Residence

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

Reports of
Committees
Public Safety
Committee

Oral report (cont)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation
(Approved or Disapproved)

License No. granted.....19.... Fee \$.....

Signed.....

.....
.....
.....
.....
.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

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Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

City of Fitchburg,

May 3, 2016

Reports of
Committees
Public Safety
Committee

Oral report (cont)



City of Fitchburg
OFFICE OF THE TREASURER

166 Boulder Drive
Fitchburg, MA 01420

Calvin D. Brooks
Treasurer/Collector

Date: 2-11-16

Name: Jeffrey Knowlton / Froshow

Parcel ID: Cust # 130171

Address: 200 River Street

CERTIFICATE OF TAX COMPLIANCE

This document signed by the Treasurer certifies that as of the above date, that the above named Applicant is in compliance and in good standing with its tax obligations and fees payable under City code, including real estate, personal property and water and sewer fees and is not a delinquent taxpayer (longer than 12 months outstanding). This Certificate is issued in compliance with Part II, Article 3, Chapter 120, Section 22, Subsection (C) as amended by City Council. This Certificate is required for all original applications and renewal applications for any license or permit, other than those referred to in Section 120-24, and issued by any Department, Officer, Board, or Commission of the City but not limited to Building Permits, Zoning Board Appeals Applicants, Planning Board Applications, and Special Permits.

Very truly yours,

Calvin D. Brooks

Calvin D. Brooks
Treasurer/Collector
City of Fitchburg

Reports of
Committees
Public Safety
Committee

Oral report (cont)



ROBERT LANCIANI
Building Commissioner

JOHN MORREALE
Local Building Inspector

DAVID F. LOVERING
Local Building Inspector

March 29, 2016

Froshow Customs
Jeffrey Knowlton
200 River Street
Fitchburg, MA 01420

RE: Request for Zoning Determination for property at 200 River Street, Map 27 Block 19 Lot 0.

Dear Mr. Knowlton:

I have reviewed your Form of Intent submitted on March 28, 2016, regarding the request for a zoning determination for 200 River Street, Map 27 Block 19 Lot 0 and my findings are as follows:

1. Land and buildings at 200 River Street, Map 27 Block 19 Lot 0 are located in Commercial & Automotive Districts (Zoning Map of the City of Fitchburg and Chapter 181, Section 181.23 of the General Ordinances of Fitchburg as amended).
2. Land and building at 200 River Street, Map 27 Block 19 Lot 0 have been put to a Use Group B & S1, Permitted as a matter of right in the Commercial & Automotive District.
3. It is now your intent to sell and establish a used motor vehicle sales location at 200 River Street. The location will offer used motor vehicle sales, a permitted use in a Commercial & Automotive District. However, it will be necessary for you to inquire about and receive a Class II license from the City Council for the new dealership.
4. Any buildings used in the process of Motor Vehicle Sales and Service, must be in compliance to the requirements of the State Building Code and any and all other applicable codes and regulations. After you have received your Class II License you will be subject to the following:
 - (a) Unit must be inspected by one of the Local Building Inspectors from this office, so as to show building code compliance.
 - (b) Once the unit has been shown to be in code compliance, a certificate of inspection will be issued. The fee for a certificate of inspection is seventy-five (\$75) dollars.

Page 2

March 29, 2016

Request for Zoning Determination for property at 200 River Street, Map 27 Block 19 Lot 0

(c) It will also be necessary for you to acquire a Class II license from the City Council for the dealership.

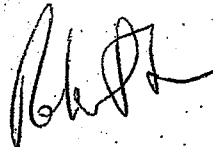
(d) You will need to submit to the Planning Board for Site Plan Review, a plot plan drawn by a Registered Surveyor showing the exact location of off street parking for all cars to be displayed with a three (3) foot buffer from the edge of the sidewalk. This drawing also needs to show where you will be providing adequate parking spaces to accommodate, under normal conditions, the cars of employees, customers, clients and visitors to the premises. The Plot plan will need to be reviewed by the Planning Board under Section 181.94 Site Plan Review. Site plan will be needed before I can issue any permits from this office.

5. Any and all signs erected must comply with the Zoning Ordinances, Chapter 181, Section 181.535 for Neighborhood Business District and a permit must be granted before erection of signs.

Request for the sale of used motor vehicles can be granted. Applications to petition for a Class II license for the dealership, can be obtained from the City Clerk's office located on the first floor of City Hall.

If you have any questions regarding this zoning determination please feel free to write or call this office.

Very truly yours,



Robert Lanciani
Building Commissioner

City Hall, 166 Boulder Drive, Fitchburg, MA 01420 (978) 829-1880 Fax (978) 829-1963

Report accepted. Petition granted by unanimous vote. 11
members present. Board consists of 11 members.

Reports of
Committees
Public Safety
Committee

Oral report (cont)

The Public Safety Committee recommended that the current Ward Councillor submit a new petition, and to accept the Communication.

JOHN B. BARRETT
CITY SOLICITOR
CITY HALL OFFICES
166 BOULDER DRIVE- LAW DEPARTMENT
FITCHBURG, MA 01420
TELEPHONE: 978-829-1806 or 978-597-3334
FAX: 978-597-6233
EMAIL: jbarrett@fitchburgma.gov



MARK A. GOLDSTEIN
ASSISTANT CITY SOLICITOR
144 CENTRAL STREET
GARDNER, MA 01440
TELEPHONE: 978-632-1025
FAX: 978-632-1236
EMAIL: attorney@markgoldsteinlaw.com

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LAW DEPARTMENT OF THE CITY OF FITCHBURG

August 14, 2014

Anna Farrell, City Clerk
City Hall Offices
166 Boulder Drive
Fitchburg, MA 01420

Re: Petition 102-11
No Parking on One Side of Lincoln Street (to be determined by Police Dept)

Dear Anna:

I am in receipt of your letter of August 7th regarding the above petition. Chapter 169, Section 24 of The City's Code currently provides that there is no parking on the East side of Lincoln Street from East Street to North Street and no parking on the West side of Lincoln Street from 318 Lincoln Street to Rice Street. I am unable to prepare an Ordinance for this matter until I receive direction from the Police Department as to: (1) which side of the street should be designated as "no parking"; (2) if the "no parking" designation is for the full length of the street, (if not please describe the start and end point; and (3) clarification as to whether the no-parking provisions presently in the City's Code for the other side of the street should be kept or removed from the Code.

By copy of this letter to Acting Chief Philip Kearns, I request that the Police Department forward the requested information to your office. Upon receipt of same please forward to me, along with a request for the Ordinance to be drafted, and I will promptly prepare same.

Thank you.

Sincerely,

John B. Barrett
City Solicitor

JBB/mcb
Enclosure

Cc: Acting Chief Philip Kearns

City of Fitchburg,

May 3, 2016



**City of Fitchburg
Massachusetts 01420**

CITY COUNCIL

Councillors at Large

Jeffrey A. Bean
David Clark
Marcus L. DiNatale
Stephan Hay
Dean A. Tran

August 7, 2014

Atty. John Barrett
City Solicitor
166 Boulder Drive
Fitchburg, MA 01420

Dear Attorney Barrett:

Enclosed is a copy of the following PETITION that was granted as amended by unanimous vote at the Regular City Council meeting held on Tuesday, October 18, 2011. This Petition is being referred to you for preparation of an Ordinance. Once you complete the Ordinance kindly forward it to the City Clerk for inclusion on the City Council Calendar.

102-11.

Councillors Kevin Starr and Joseph Solomito, to make both sides of Lincoln St.
"No Parking" from Pearl St., 150 feet northward.

Amended to read: "No Parking" on one side of Lincoln St., to be determined
by the Police Department.

Very truly yours,

Anna M. Farrell, Clerk
AMF/eak

President
Stephan Hay

Vice President
Marcus L. DiNatale

Ward Councillors

Ward 1 - Amy L. Green
Ward 2 - Paul R. Beauchemin
Ward 3 - Joel R. Kaddy
Ward 4 - Michael P. Kushmerek
Ward 5 - Angelo J. Bisol, Jr.
Ward 6 - Jody M. Joseph

Acting Chief Philip Kearns
Fitchburg Police Department

Reports of
Committees
Public Safety
Committee

Oral report (cont)

John / Phil -
This old petition was
found still in the
"pending" file. Apparently
fell thru the cracks as
we do not see the
corresponding Ordinance,
which would have been
reverted back in 2011.

Reports of
Committees
Public Safety
Committee

Oral report (cont)

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG.

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

~~create~~

make both sides of Lincoln St.
"No Parking" from Pearl St, 150 feet
northward.

Councilors Kevin Starr + Joseph Solomito

FITCHBURG CITY CLERK
2011 APR 14 A 8:27

A TRUE COPY ATTEST.

Ann M. Farnell
City Clerk

Reports of
Committees
Public Safety
Committee

Oral report (cont)

REPORT

The Committee on

Public Safety Committee

to which was referred this petition would recommend that the petition be granted, be given leave to withdraw.

Thomas St. Barrett

AL

In City Council

October 18, 2011

Report Read and Accepted
Petition granted as amended by
unanimous vote. 10 members present.
Board consists of 11 members.

Petition forwarded to the City Solicitor
for Ordinance Preparation.

Anna M. Farrell, Clerk Clerk

PETITION

No. 00102 - 2011

of

Councillors Kevin Starr and Joseph
Solomito, to

Make both sides of Lincoln St. "No Parking"
from Pearl St., 150 feet northward.

AMENDED TO READ: Make one side of Lincoln
St. "No Parking" to be determined by the
Police Department by vote of 3-0.

In City Council

April 19, 2011

Referred to Committee on

Public Safety Committee

Anna M. Farrell

Clerk

In City Council October 18, 2011
The Public Safety Committee
recommended that the petition be
amended to read: "No Parking" on
one side of Lincoln St., to be
determined by the Police Department.
Petition granted as amended by
vote of 3 in favor and 1 opposed
(Reynolds).
Anna M. Farrell, Clerk

Communication from then City Solicitor John Barrett dated August
14, 2014 requesting information from the police department
pertaining to a "No Parking" area on Lincoln Street.
Report accepted. Recommendation for the current Ward Councillor
to submit a new petition and to accept the Communication was
approved by unanimous vote. 11 members present. Board consists
of 11 members.

Reports of
Committees
Public Safety
Committee

Oral report (cont)

The Public Safety Committee recommended the following
Communication be accepted:
Communication from then City Solicitor John Barrett dated August
14, 2014 (last paragraph only) requesting FPD authorization of a
"go Slow-Children" sign as requested in petition 145-14.

JOHN B. BARRETT
CITY SOLICITOR
CITY HALL OFFICES
166 BOULDER DRIVE--LAW DEPARTMENT
-- FITCHBURG, MA 01420

TELEPHONE: 978-829-1806 or 978-597-3334
FAX: 978-597-6233
EMAIL: jbarrett@fitchburgma.gov



MARK A. GOLDSTEIN
ASSISTANT CITY SOLICITOR
144 CENTRAL STREET
GARDNER, MA 01440

TELEPHONE: 978-632-1025
FAX: 978-632-1236
EMAIL:
attorney@markgoldsteinlaw.com

LAW DEPARTMENT OF THE CITY OF FITCHBURG

August 14, 2014

Anna Farrell, City Clerk
City Hall Offices
166 Boulder Drive
Fitchburg, MA 01420

Re: Petition145-14

No Parking on West Side of Fairmount Street from Wildwood Dr. to Oak Hill Road
And placement of "Go Slow -Children" signs.

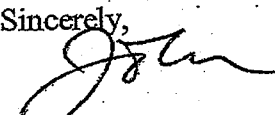
Dear Anna:

Attached please find the Ordinance which I have prepared to implement the no-parking
provisions authorized by the Council.

With respect to the placement of "Go Slow-Children" signs, Chapter 169-21 of the City's
Code authorizes the Chief of Police to designate the location of these safety precautionary
signs.

By copy of this letter to Acting Chief Philip Kearns, I request that he authorize placement of
the "Go Slow-Children" signs as approved by the Council (see Petition 145-14 attached).

Sincerely,


John B. Barrett
City Solicitor

JBB/mcb
Enclosure

Cc: Acting Chief Philip Kearns

City of Fitchburg, May 3, 2016

Reports of
Committees
Public Safety
Committee

Oral report (cont)

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

Councillor Paul Beauchemin,
to:

have No Parking on one side of Fairmount Street from Wildwood Drive to Oak Hill Road.
There will be excess traffic due to the bridge construction on River Street.

Also, would like to request that "go slow Children in Area" signs be placed in the area.

Paul Beauchemin

FITCHBURG CITY CLERK
MAY -5 P.M.

A TRUE COPY ATTEST.

Russ M. Farnell
City Clerk

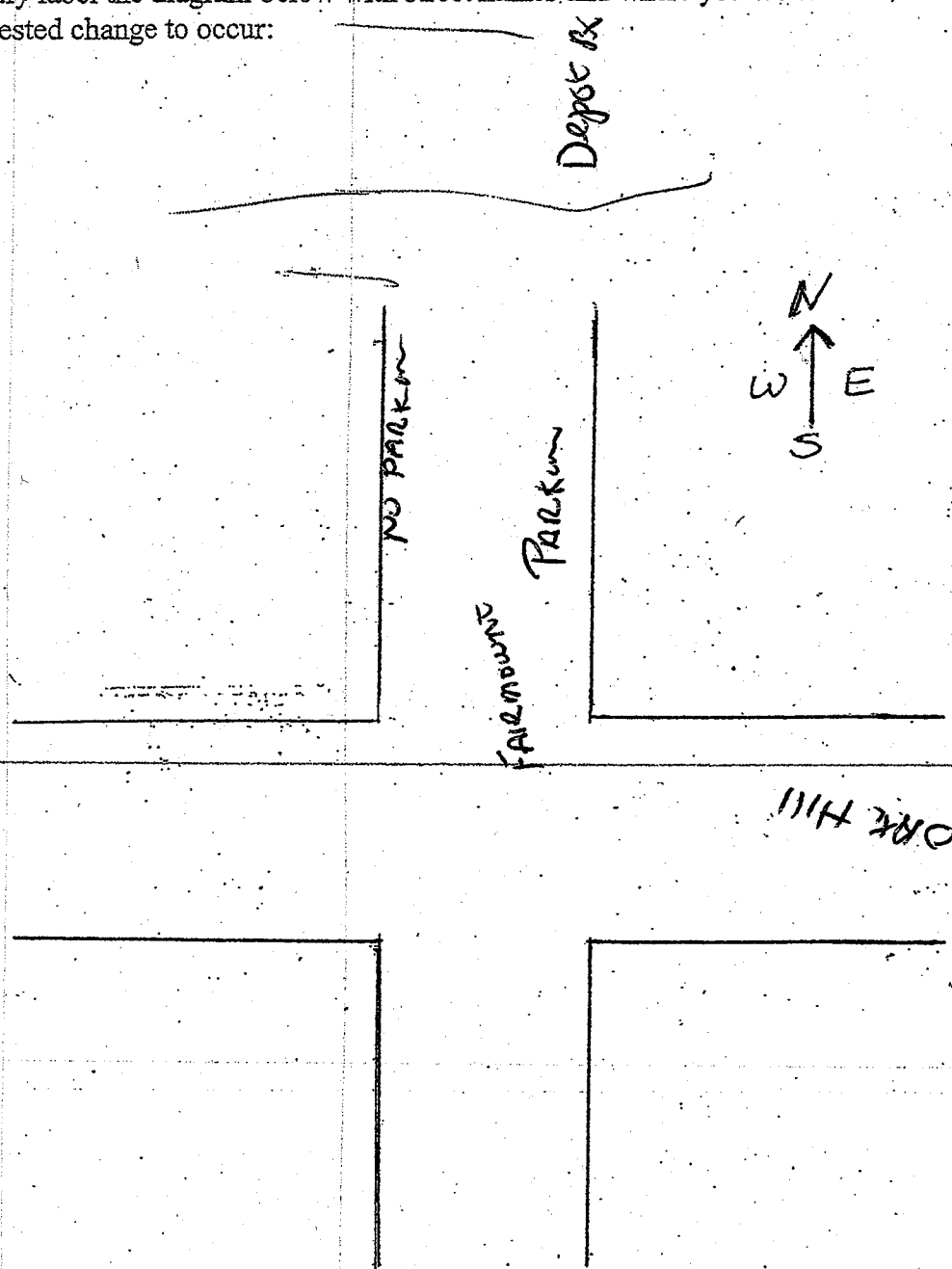
Reports of
Committees
Public Safety
Committee

Oral report (cont)



Attachment for City Council petition to do street work requiring change to a
City Ordinance (stop signs, one-way streets, no parking area, etc.)

Kindly label the diagram below with street names and where you would like the
requested change to occur:



City of Fitchburg,

May 3, 2016

Reports of
Committees
Public Safety
Committee

Oral report (cont)

CITY OF FITCHBURG

IN THE YEAR

AN ORDINANCE

2016 AUG 19 P 4:24
FITCHBURG CITY CLERK

Be it ordained by the City Council of the City of Fitchburg, as follows:

That Chapter 169, Section 24 of the Code of The City of Fitchburg entitled "Parking Prohibited at all times" as most recently amended, be further amended by adding thereto:

Name of Street:

Fairmount Street

Side:

West

Location:

From Wildwood Drive to Oak Hill Road

Report accepted. Recommendation to accept the Communication was approved by unanimous vote. 11 members present. Board consists of 11 members.

Reports of
Committees

Public Works
Committee

Public Works Committee
Meeting of April 26, 2016

The Public Works Committee recommended the following Petition be held in Committee:

- 207-15. Kenneth J. Matson, President, to accept Downy Circle, located within the Parker Hill Subdivision, as a public way. Attorney George E. Watts will represent this matter.

Report read and accepted. Petition held in Committee by unanimous vote. 11 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be granted:

- 048-16. Councillor Angelo Bisol, to review a water issue in front of 88 Charlton Street, Fitchburg.

Report read and accepted. Petition granted by unanimous vote. 11 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be given leave to withdraw:

- 49-16. Councillor Paul Beauchemin and John Jeffrey, to request a tree be cut down for safety purposes. The tree is located on Norfolk Street, a paper road, as outlined in the enclosed petition.

Report read and accepted. Petition given leave to withdraw by unanimous vote. 11 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be held in Committee:

- 181-15. Councillor Michael Kushmerek, to increase the height of a city-owned fence on Blossom Street between the intersections of Elm and Mechanic Streets.

Report read and accepted. Petition held in Committee by unanimous vote. 11 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petitions be granted:

- 242-15. Councillor Paul Beauchemin, to put a gate at the end of Shattuck St. because of illegal activities and dumping near the Quarries. Many people on the street are complaining.

- 081-16. Councillor Marcus DiNatale and Jim Viola, to repair/replace berms located on both sides of resident's driveway. Berms were significantly damaged during the winter plowing. Location is 635 Mount Elam Road.

Report read and accepted. Petitions granted by unanimous vote. 11 members present. Board consists of 11 members.

HEARINGS

065-16. SPECIAL PERMIT PETITION: Eric W. Sullender, Trustee of Neighborhood Development Trust, to renovate existing, non-conforming single family home located at 1089 Franklin Road, Fitchburg, that has been abandoned or not used for a period of more than two years.

SPECIAL PERMIT APPLICATION
FROM THE
CITY OF FITCHBURG
CITY COUNCIL

FITCHBURG CITY CLERK
16 MAR 25 12 03

PERMIT FEE \$300.00

Instructions: Complete each section as required. Submit the original application to the Office of the City Clerk.

1. APPLICANT NAME: Eric W. Sullender, Trustee of Neighborhood Development Trust

MAILING ADDRESS OF APPLICANT:

14 Monument Square

P.O. Box (if applicable) Street

Leominster MA 01453

City Zip Code

TELEPHONE NUMBER OF APPLICANT: c/o Bovenzi & Donovan
(978) 840-4500

2. ADDRESS AND DESCRIPTION OF PROPERTY FOR WHICH THE SPECIAL PERMIT IS BEING REQUESTED:

1089 Franklin Road

Complete repairs and renovation of historic

single-family house.

Fitchburg Assessor's Map S47 Block 20 Lot 0

3. OWNER OF PROPERTY: Applicant

MAILING ADDRESS OF OWNER: same as Applicant

4. CONTACT PERSON FOR PROPERTY: Thomas M. Bovenzi

5. TELEPHONE NUMBER FOR CONTACT PERSON: (978) 840-4500

Hearing
Special Permit
#65-2016 (cont)

6. DESCRIBE WHAT YOU INTEND TO USE THE PROPERTY FOR:

Single-family residence. Special Permit requested pursuant to the provisions of Section 181.3561 to complete rehabilitation of structure that has architectural or other appropriate features(per attached Historical Society records)

7. TOTAL SQUARE FOOTAGE OF PROPOSED USE: 4,649 (Based on Property Card)

8. TOTAL PARKING REQUIRED: Two

9. TOTAL PARKING PROVIDED: Two

10. MUNICIPAL SERVICES:

Please check as appropriate:

A. Project will tie in to City Sewer System	<u>X</u> Yes	<u> </u> No
B. Project will tie in to City Water Service	<u>X</u> Yes	<u> </u> No
C. Project will tie in to Storm Drainage System	<u>X</u> Yes	<u> </u> No

11. Is this a Special Permit for a Nursing Home, Truck/Bus Terminal, Research & Testing, Publishing and Printing, Light Manufacturing or Manufacturing?

<u> </u>	<u>X</u>
Yes	No

12. If YES, a Plan prepared by a Registered Professional Land Surveyor or Regular Professional Engineer in accordance with Section 2 of the Rules and Regulations governing Special Permits must be attached.

City of Fitchburg, May 3, 2016

Hearing
Special Permit
#65-2016 (cont)

14. SIGNATURE OF APPLICANT:

G. Sullards, Jr.

PRINT NAME OF APPLICANT:

ERIC W. SULLARDS

DATE:

3-25-2016

Please note: This application will not be accepted unless ALL requirements stated in the letter of determination by the Building Commissioner have been met.

MAR 25 2016

DATE RECEIVED BY CITY CLERK

\$300.00 Check #2662

APPLICATION FEE RECEIVED

Hearing
Special Permit
#65-2016 (cont)



Fitchburg, Massachusetts
*Office of the
Building Commissioner*

ROBERT LANCIANI
Building Commissioner

JOHN MORREALE
Local Building Inspector

DAVID LOVERING
Local Building Inspector

KYLE RIDLEY
Inspector of Wires

WAYNE LITTLE
Plumbing/Gas Inspector

March 24, 2016

Eric W. Sullender
Trustee of Neighborhood Development Trust
14 Monument Square
Leominster, MA 01453

RE: Form of Intent for 1089 Franklin Rd, Map S47 Block 20 Lot 0

Dear Sir,

I have reviewed your form of intent and my findings are as follows:

1. Land and building at 1089 Franklin Rd, Map S47 Block 20 Lot 0 are located in a Rural Residential District (Zoning Map of the City of Fitchburg and Chapter 181, Section 181.23 of the General Ordinances of Fitchburg as amended).
2. The existing house is a nonconforming building that has been abandoned or not used for a period of more than two years. The building has lost its protected status and is now subject to the provisions of the zoning ordinance, unless a special permit is issued pursuant to Section 181.3561. The required setbacks for RR are 40 front, 25 side, and 50 rear. **Applications for a Special Permit from the City Council are available at the City Clerk's office, 166 Boulder Drive.**
3. All renovations done to the existing building will require plans and specifications to show that code compliance is met under the Massachusetts State Building Code eighth edition before a building permit can be issued.

If you have any questions regarding this zoning determination, please feel free to write or call this office.

Very truly yours,

Robert Lanciani
Building Commissioner

City Hall, 166 Boulder Drive, Fitchburg, MA 01420 (978) 829-1880 Fax (978) 829-1963

City of Fitchburg,..... May 3, 2016

Hearing
Special Permit
#65-2016 (cont)

Attachment= Documents obtained from property records at the Fitchburg Historical Society 3/8/16

Hearing
Special Permit
#65-2016 (cont)

Beth Sullivan

From: Daniel Fish [daniel.fish@fitchburghhistoricalsociety.com]
Sent: Tuesday, March 08, 2016 11:00 AM
To: bsullivan@bdlaw1.com
Subject: 1089 Franklin Road
Attachments: Franklin Road.pdf; FHS Invoice.doc

Beth,

Here are the documents you requested. I have attached them and your invoice to this email. The 2nd page is the back of one of the index card, hence why it's an additional page. Additionally, the items covered by the photo on the 3rd page of the pdf read as follows:

- Town
- Address
- Name
- Present Use
- Present Owner (As of 1977)
- Description
- Date
- Source
- Style

If you need anything else, please let us know!

Sincerely,

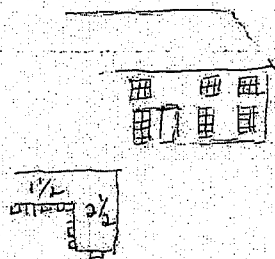
Daniel Fish

Membership Assistant, Fitchburg Historical Society
978-345-1157

Follow Us On Instagram @FitchHistSocv !

HOUSES - 1089 Franklin Rd.

2



more blank clapboard wall actually
than shown in pic
top of door on line with top of 1st floor
windows
2nd story windows close under eaves

This is pictured as all of Fullam house - the main
house is 2 1/2 story - one room deep at street end - only one
window to each of the 3 stories - one over the other

Hearing
Special Permit
#65-2016 (cont)

HOUSES - 1089 Franklin Rd.

1

The road built in 1771 for the convenience of the landowners - appropriated in 1731.

Fullam house, near the end of Franklin Rd., commanding magnificent view.

Col. Francis's great grandson Jacob, one of the founders of C. C. Church, tore down the old house and used the timbers in building the present (1907) house at the beginning of 19th C.

Aug. 11, 1902. Fullam barn struck by lightning - burned down.

A

1089 Franklin Rd

2017

Francis Fullam House - Residence

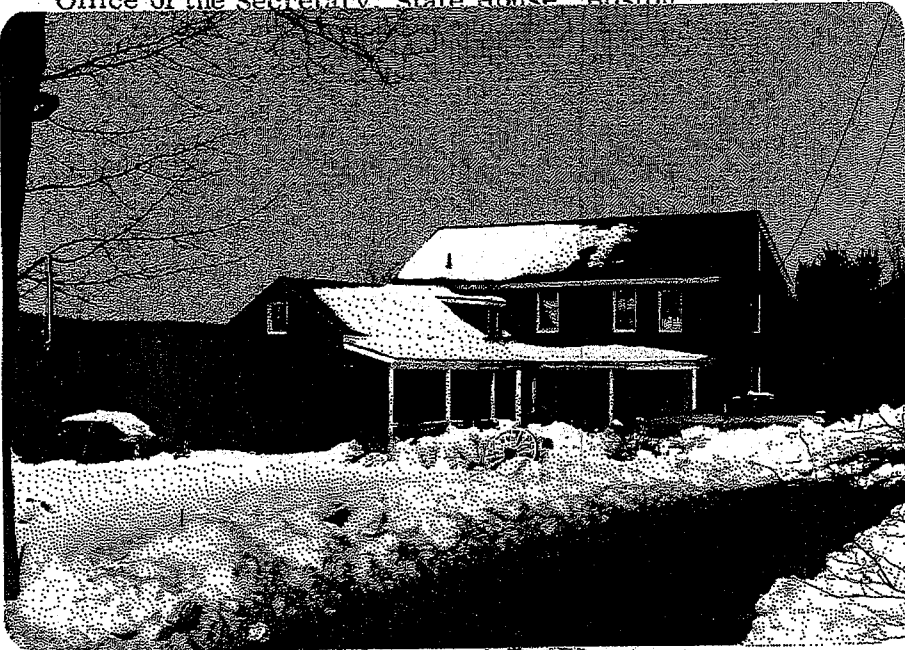
Colonial

See Fitch House

~~House Franklin Rd~~~~Franklin Road # 1089~~~~The Rd built in 1771 for the convenience of the landowners,
appropriated in 1731.~~~~Fullam house near the end of Franklin Rd - commanding
magnificent view~~~~Col. Francis' great grandson Jacob, one of the founders
of C. C. Church, tore down the old house & used the timbers
in building the present (1907) house - at the beginning
of 19th C.~~~~Aug. 11, 1902 Fullam barn struck by lightning, burned down~~

FORM B - BUILDING

MASSACHUSETTS HISTORICAL COMMISSION
Office of the Secretary, State House, Boston



In Area no.	Form no.
	2017

Fitchburg, Massachusetts

1089 Franklin Rd.

Francis Fullum House (Fulham)

Residence

Edmund P. & Judith A. Conrad

pre 1764, 1750?

Colonial

Architect _____
Exterior wall fabric aluminum siding (poor job)
over clapboard?

Outbuildings (describe) none

Other features _____

Altered _____ Date _____

Moved _____ Date _____

5. Lot size:

One acre or less _____ Over one acre 1.15 ac.

Approximate frontage 150'? on Franklin Rd.

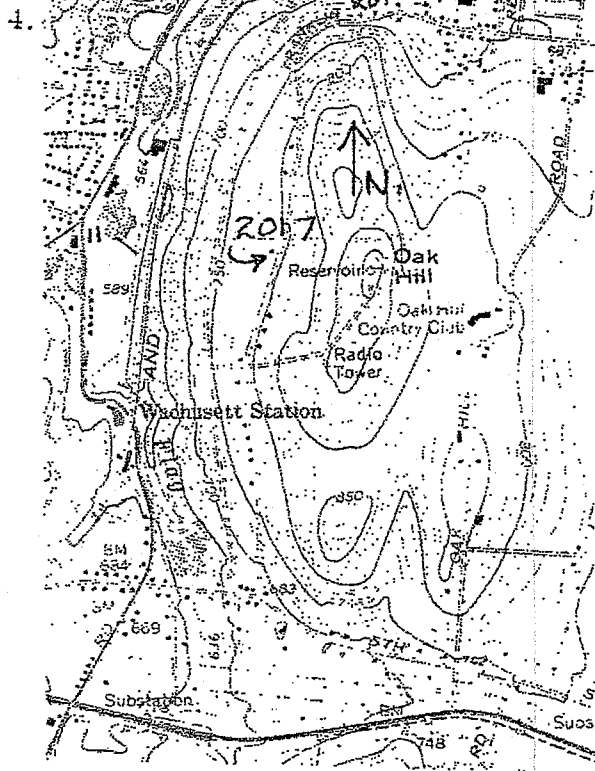
Approximate distance of building from street _____

Bill Chittick and

6. Recorded by Frank Garretson

Organization Fitchburg Historical Comm.

Date March 1977



DO NOT WRITE IN THIS SPACE
USGS Quadrant _____

MHC Photo no. _____

(over)

Hearing
Special Permit
#65-2016 (cont)

2017

7. Original owner (if known) Francis Fullum

Original use Residence

Subsequent uses (if any) and dates _____

8. Themes (check as many as applicable)

Aboriginal	_____	Conservation	_____	Recreation	_____
Agricultural	_____	Education	_____	Religion	_____
Architectural	<u>x</u>	Exploration/ settlement	_____	Science/ invention	_____
The Arts	_____	Industry	_____	Social/ humanitarian	_____
Commerce	_____	Military	_____	Transportation	_____
Communication	_____	Political	_____		
Community development	_____				

9. Historical significance (include explanation of themes checked above)

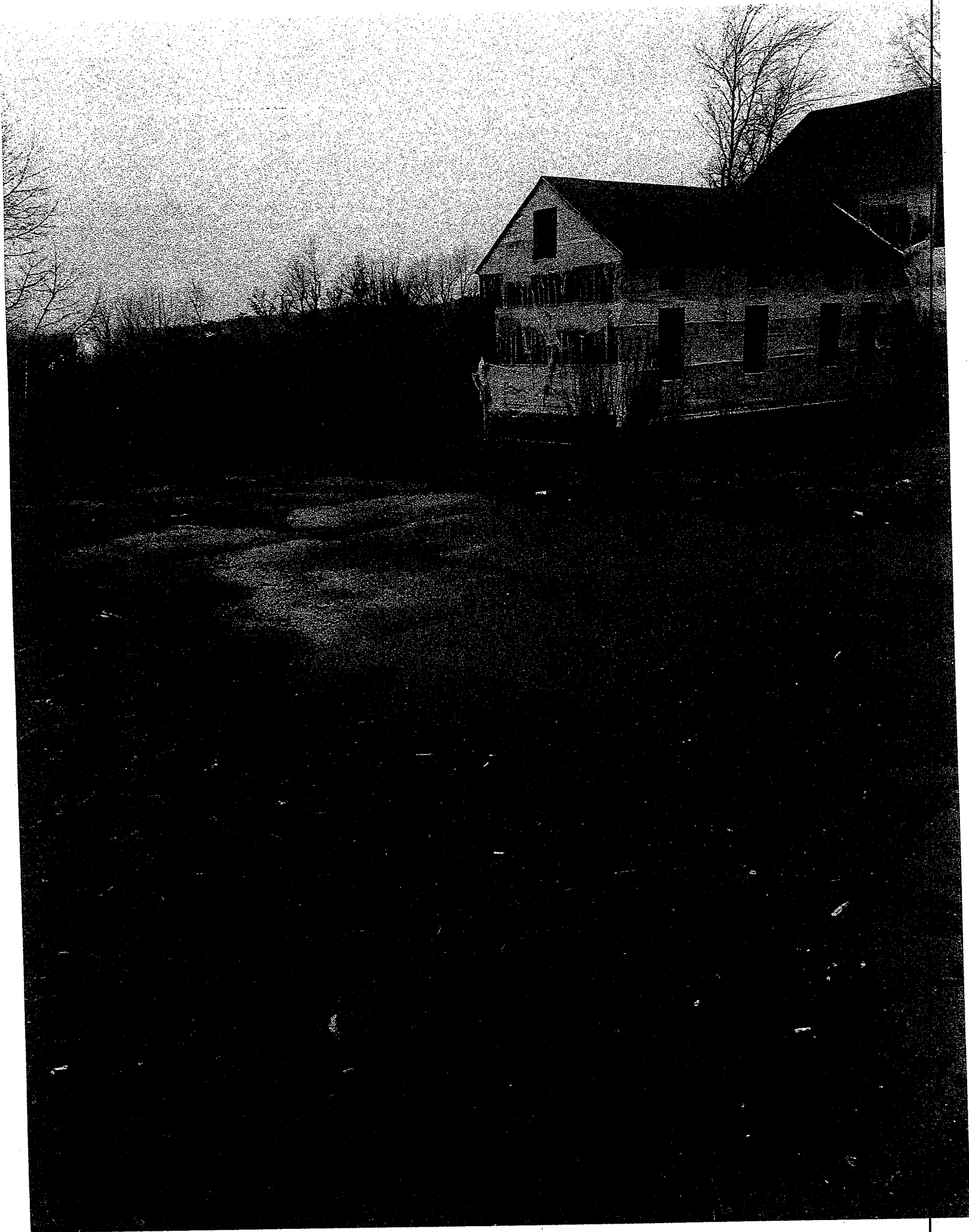
Fullum was an early settler in Fitchburg.

10. Bibliography and/or references (such as local histories, deeds, assessor's records, early maps, etc.)

City of Fitchburg,

May 3, 2016

Hearing
Special Permit
#65-2016 (cont)



Hearing
Special Permit
#65-2016 (cont)



City of Fitchburg
OFFICE OF THE TREASURER

166 Boulder Drive
Fitchburg, MA 01420

Calvin D. Brooks
Treasurer/Collector

Date: 3/25/16

Name: Eric Sullender

Parcel ID: 547-20 0

Address: 1089 Franklin Rd.

CERTIFICATE OF TAX COMPLIANCE

This document signed by the Treasurer certifies that as of the above date, that the above named Applicant is in compliance and in good standing with its tax obligations and fees payable under City code, including real estate, personal property and water and sewer fees and is not a delinquent taxpayer (longer than 12 months outstanding). This Certificate is issued in compliance with Part II, Article 3, Chapter 120, Section 22, Subsection (C) as amended by City Council. This Certificate is required for all original applications and renewal applications for any license or permit, other than those referred to in Section 120-24, and issued by any Department, Officer, Board, or Commission of the City but not limited to Building Permits, Zoning Board Appeals Applicants, Planning Board Applications, and Special Permits.

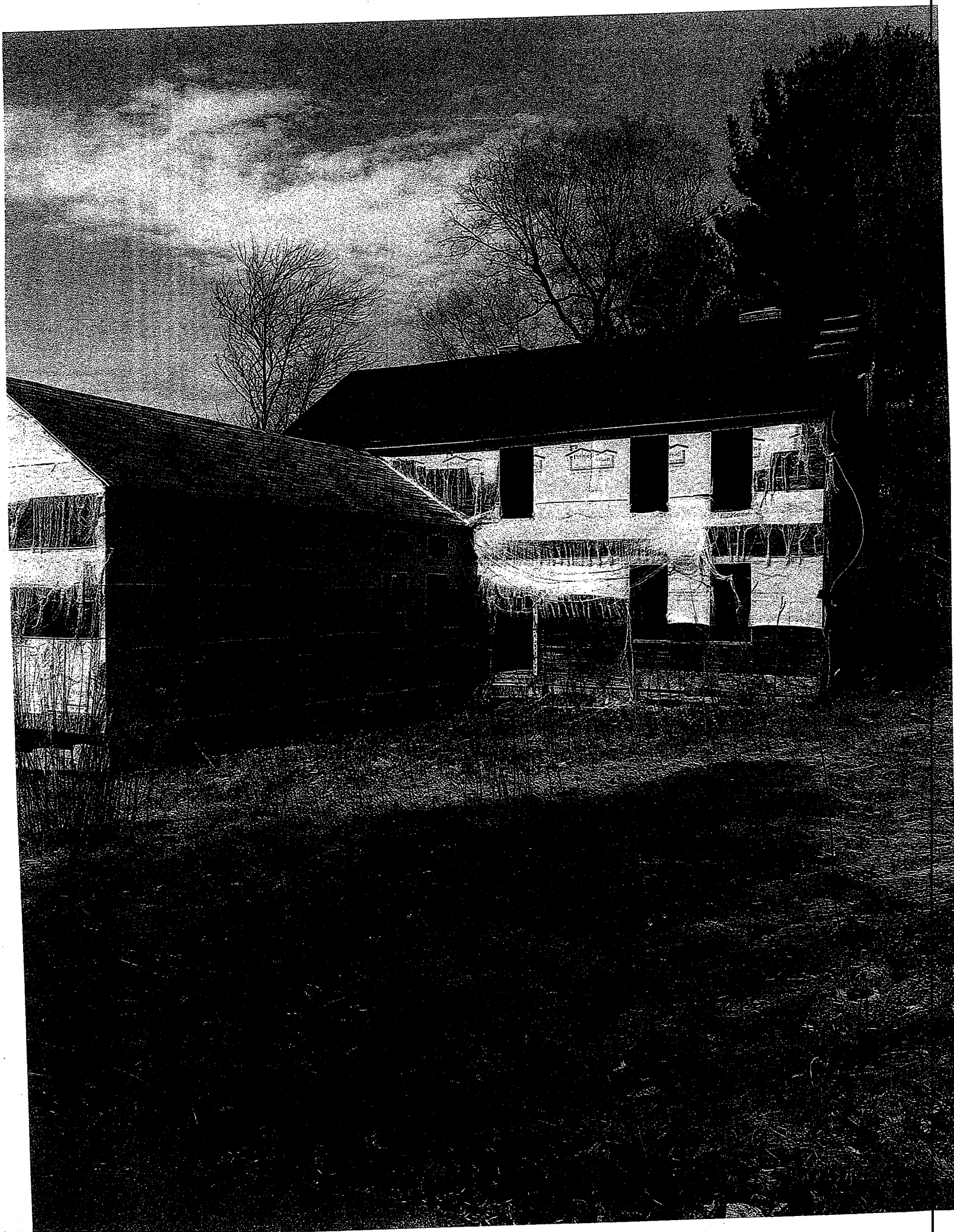
Very truly yours,



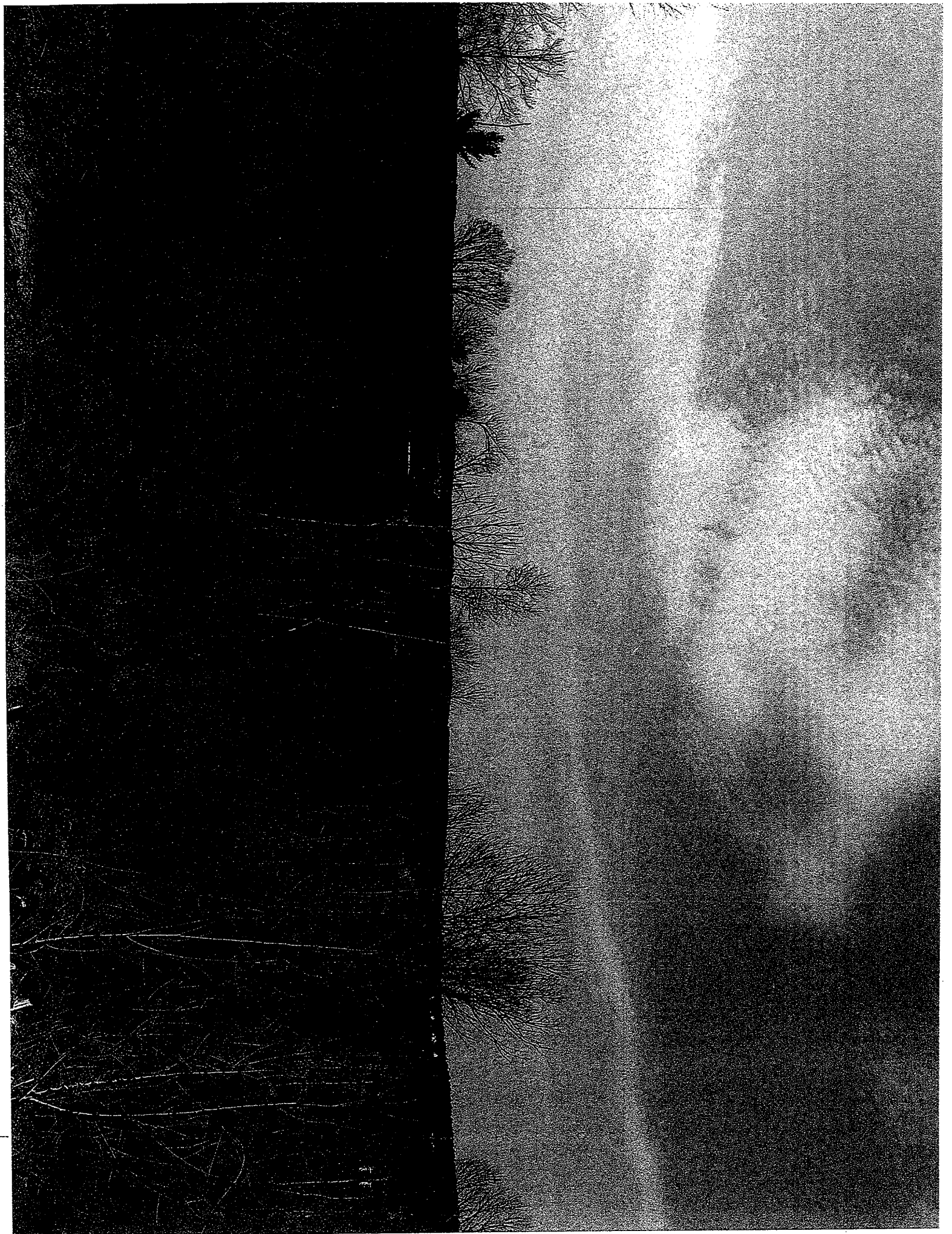
Calvin D. Brooks
Treasurer/Collector
City of Fitchburg

City of Fitchburg,..... May 3, 2016.....

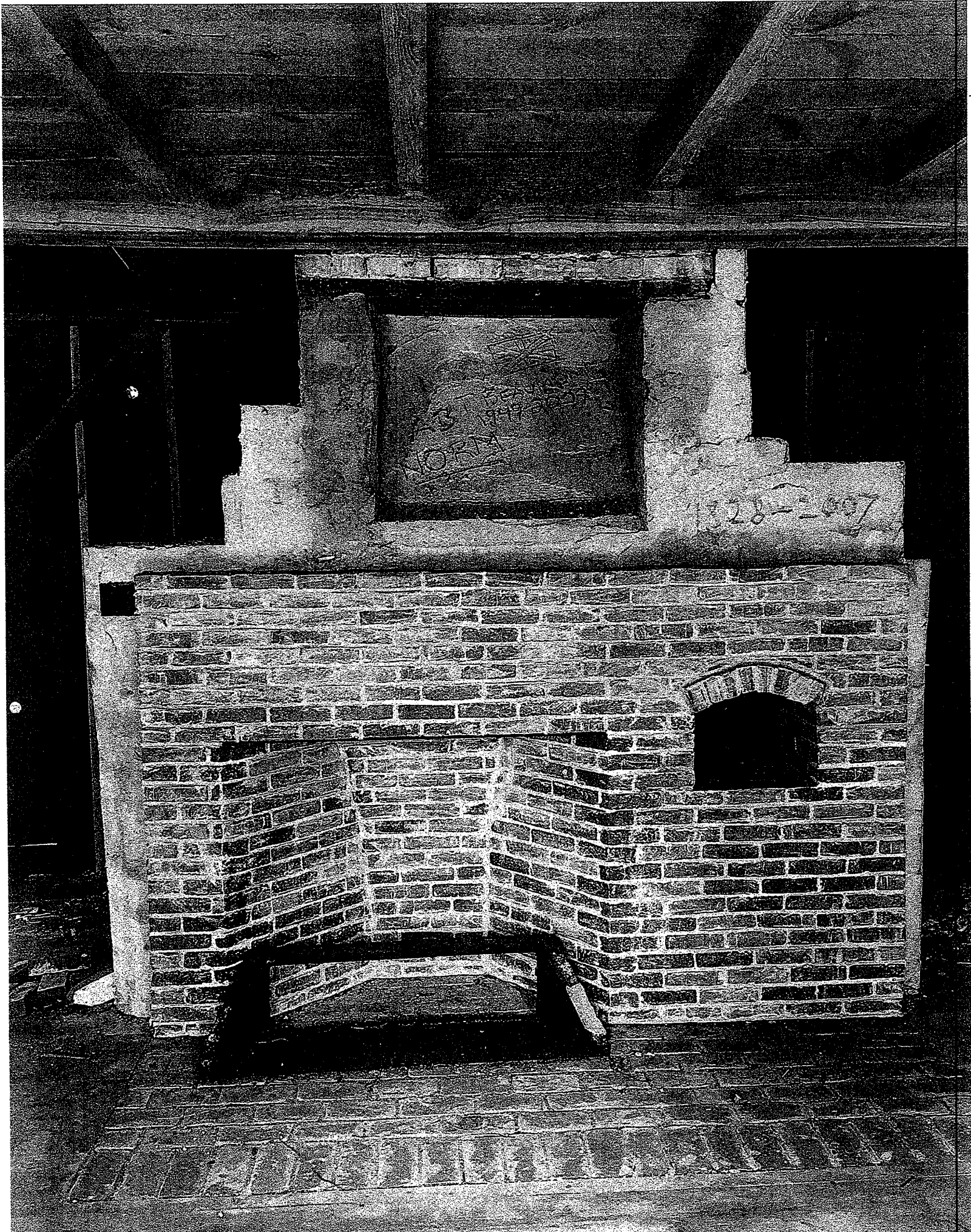
Hearing
Special Permit
#65-2016 (cont)



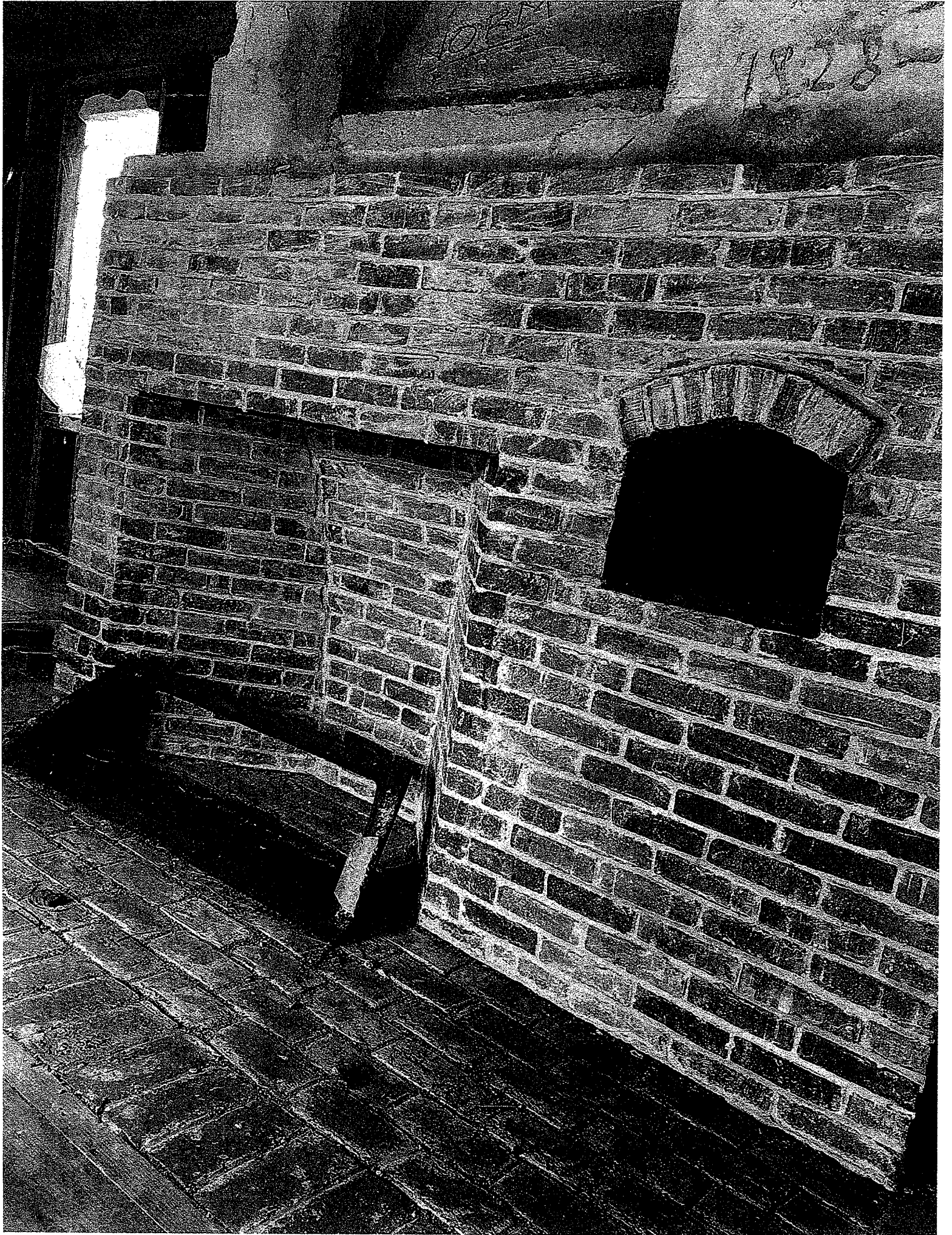
Hearing
Special Permit
#65-2016 (cont)

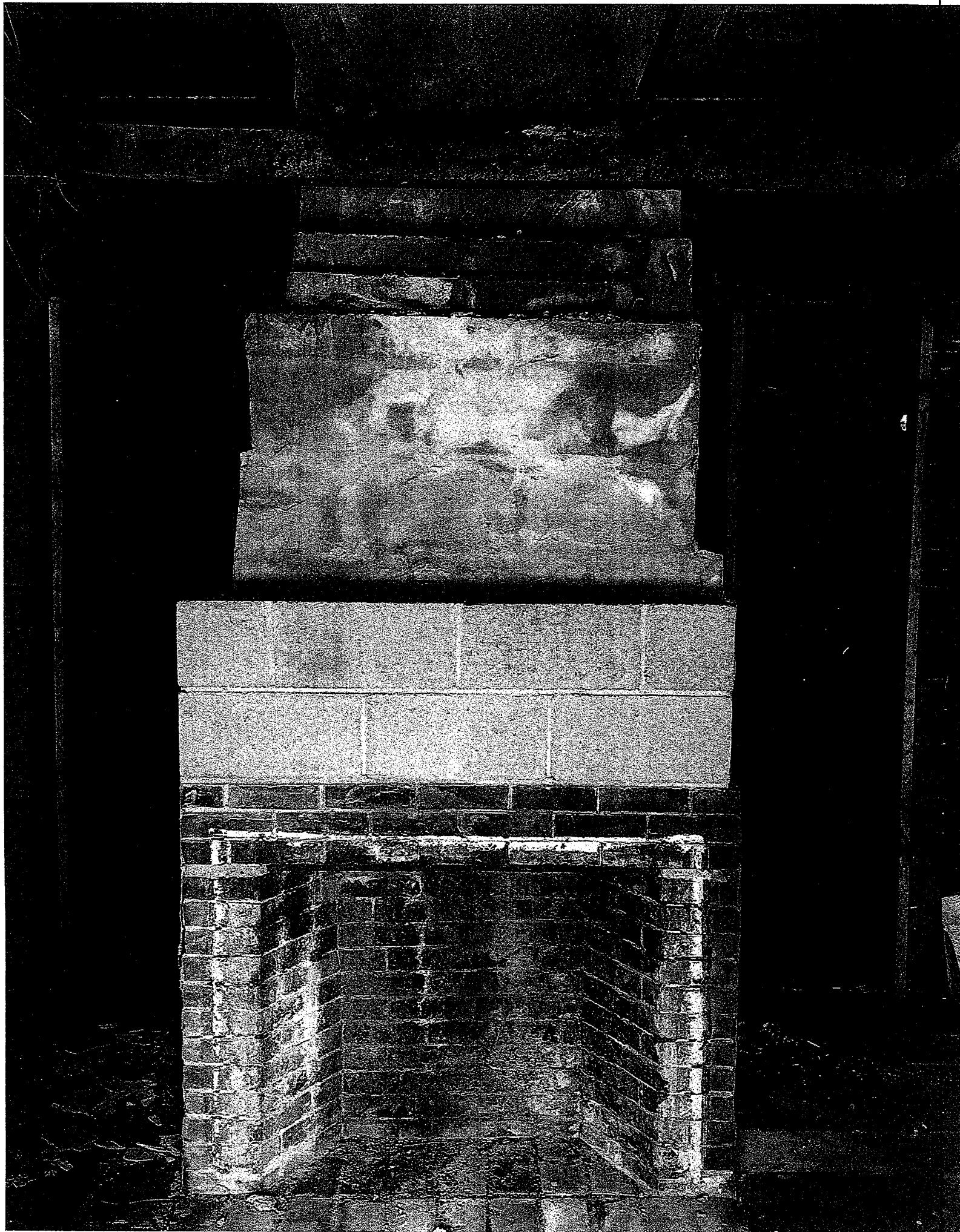


Hearing
Special Permit
#65-2016 (cont)

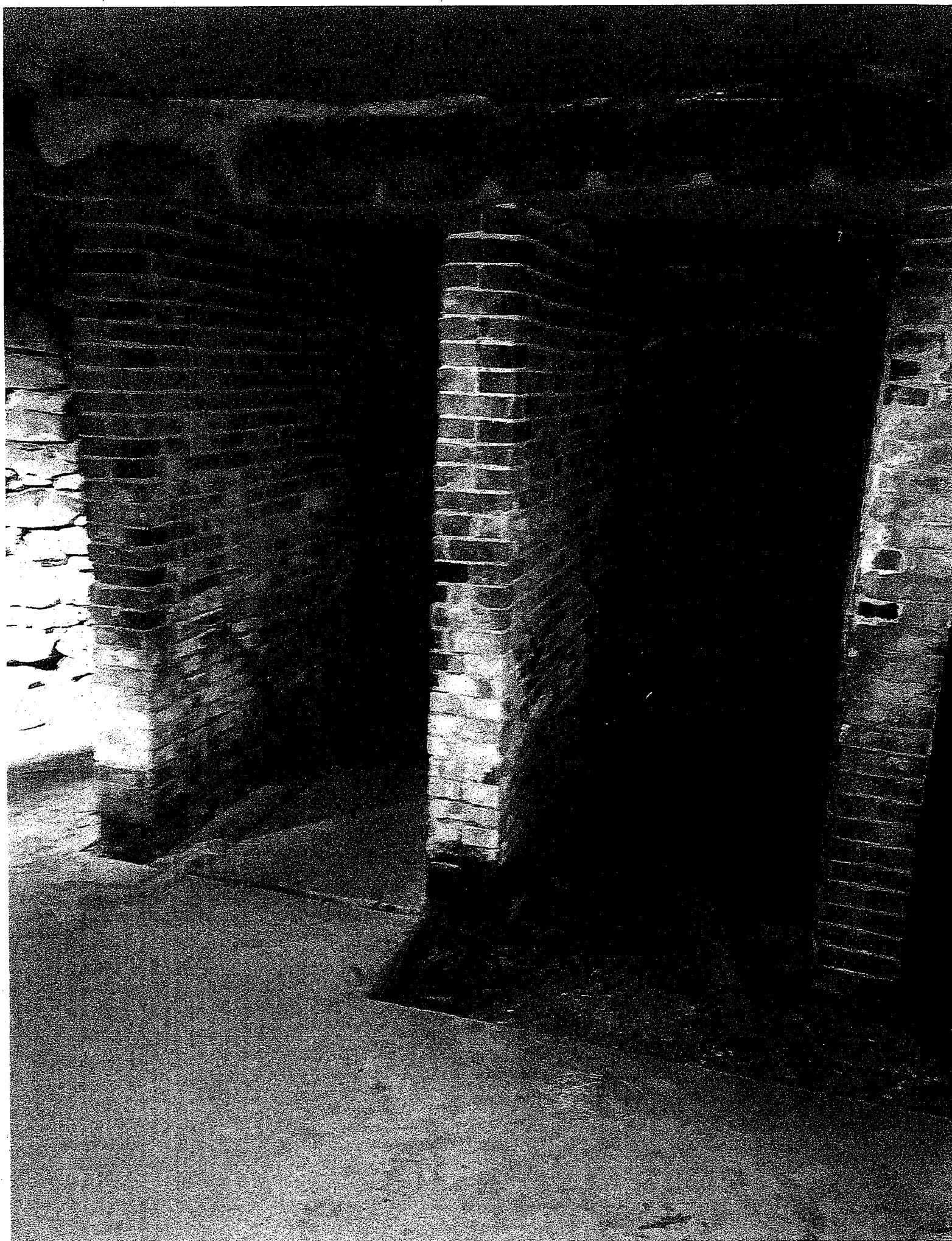


Hearing
Special Permit
#65-2016 (cont)





Hearing
Special Permit
#65-2016 (cont)



Hearing
Special Permit
#65-2016 (cont)



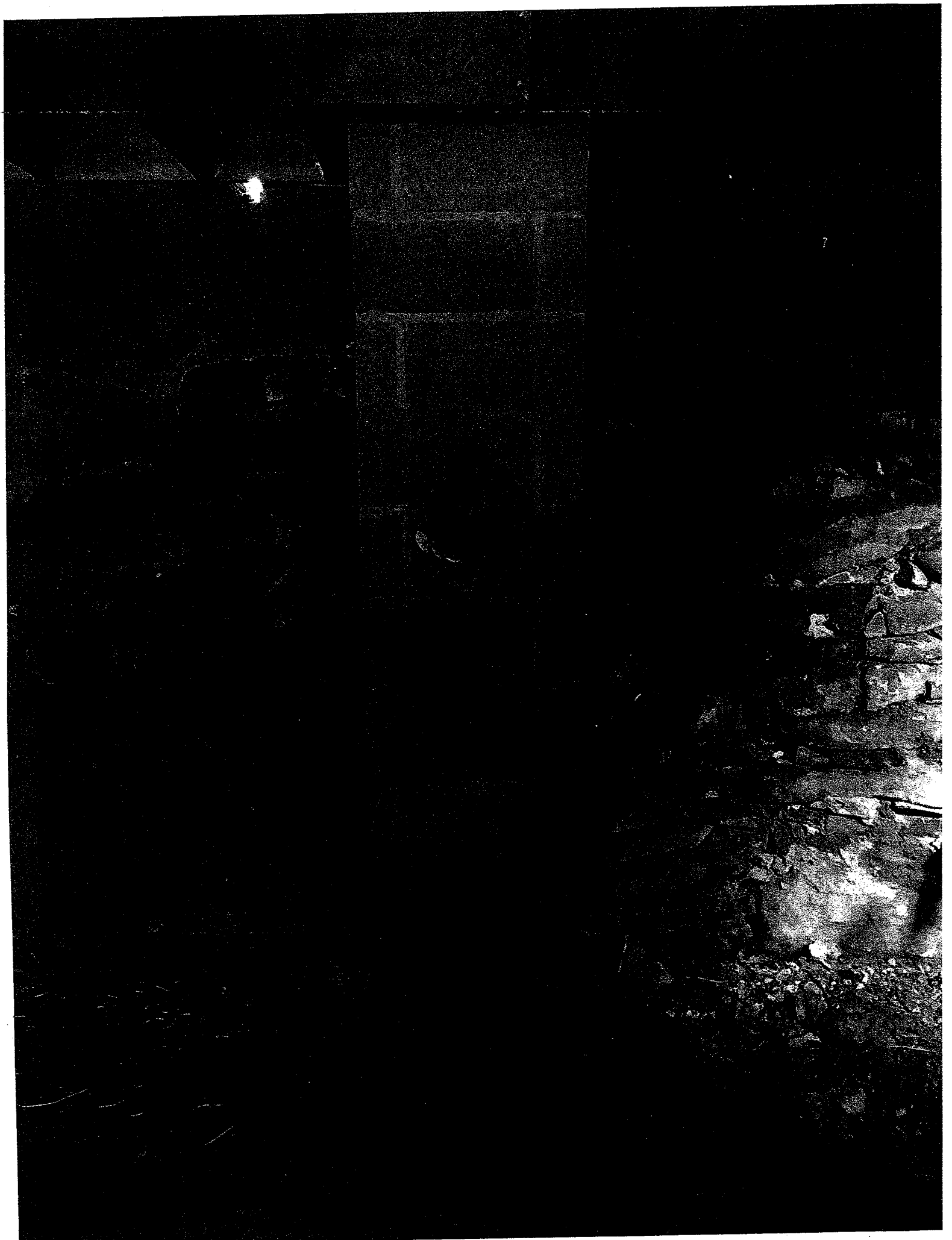
Hearing
Special Permit
#65-2016 (cont)



Hearing
Special Permit
#65-2016 (cont)



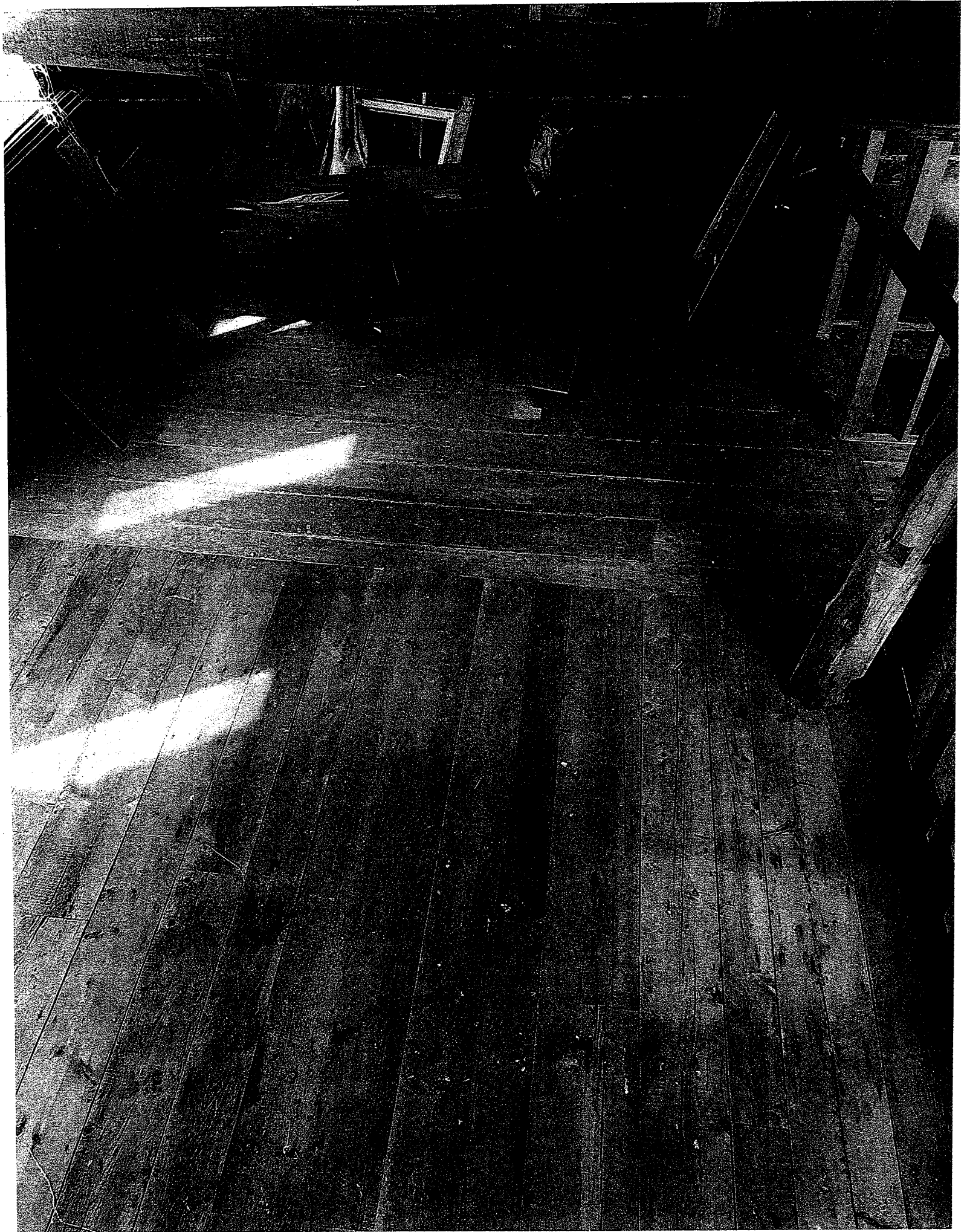
Hearing
Special Permit
#65-2016 (cont)



Hearing
Special Permit
#65-2016 (cont)



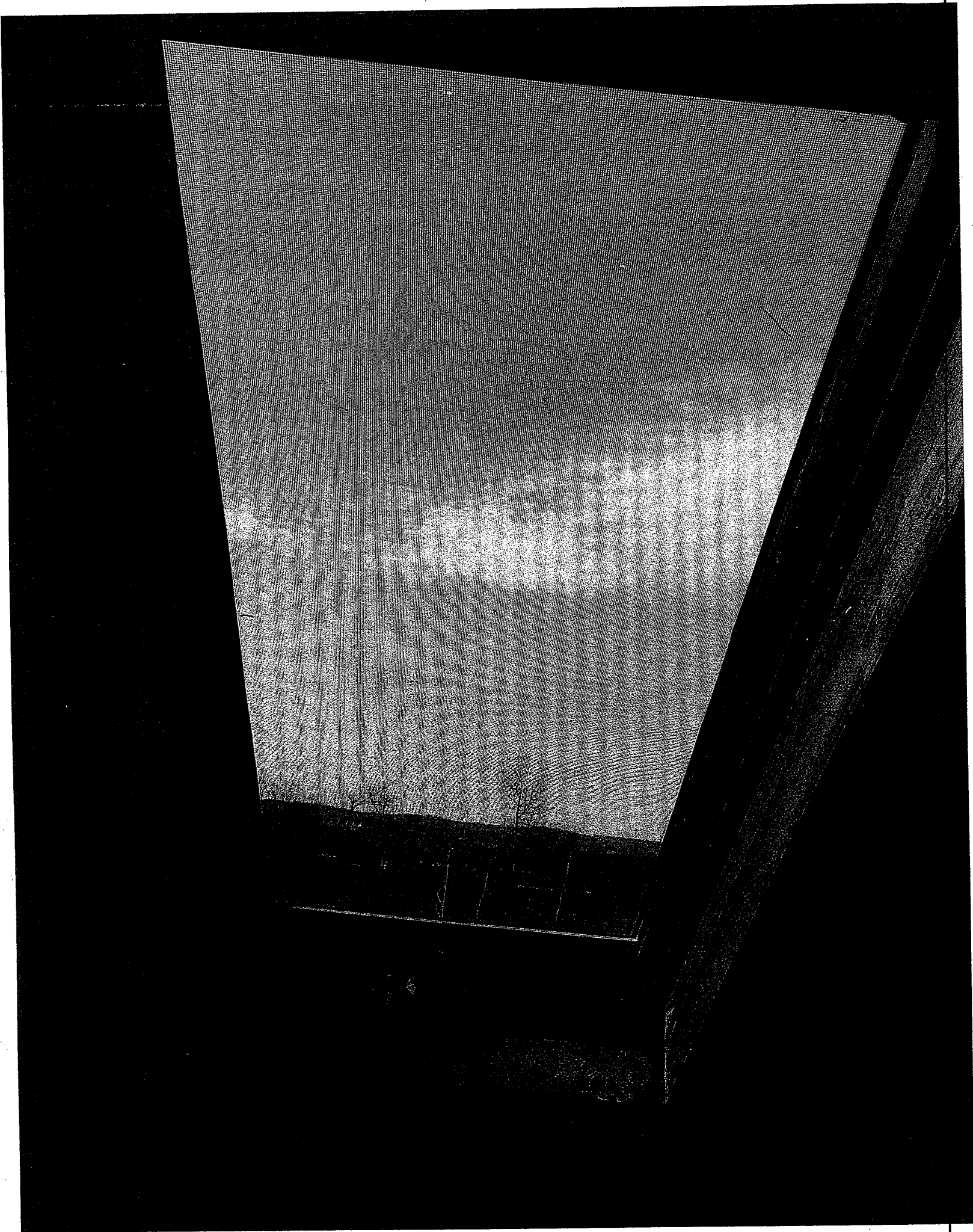
Hearing
Special Permit
#65-2016 (cont)



City of Fitchburg,

May 3, 2016

Hearing
Special Permit
#65-2016 (cont)



Hearing
Special Permit
#65-2016 (cont)



Fire Prevention Director
Lt. Phil Jordan

City of Fitchburg, Massachusetts
FIRE PREVENTION BUREAU

33 North Street
Fitchburg, MA 01420

978-345-9672
FAX: 978-345-9589

Petition: #65-2016
Address: 1089 Franklin Rd
Date: 05-07-2016

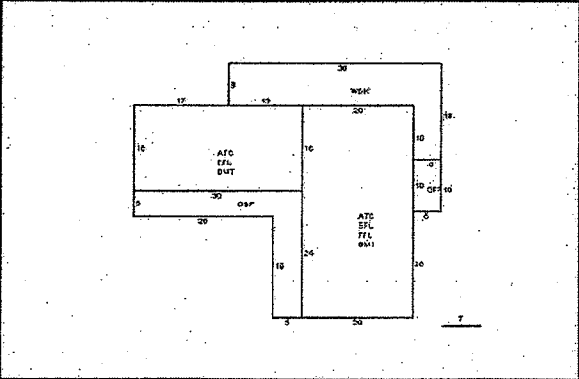

FITCHBURG CITY CLERK
16 APR - 7 11 09

I have reviewed the intent for the special permit and my findings are as follows:

1. I have reviewed the Building Commissioners determinations as far as the protected status of the building. I agree with his determination.
2. The Smoke and Carbon Monoxide detectors installed must meet 2016 standards as far as placement and type under the Mass State building Code 8th edition.
3. The city of Fitchburg, since 1982 has enforced a local rule of hard-wire detectors throughout the building. Garage space will be covered with heat detection. All detectors will be hard-wired and interconnected since 2011. This includes CO. Any questions regarding type of detectors should be addressed with the Fire Prevention Bureau.

Lt. Philip Jordan 05-07-2016
Lt. Philip Jordan - Fire Prevention Bureau

Unofficial Property Record Card - Fitchburg, MA

General Property Data		
Parcel ID S47-20-0	Account Number	
Prior Parcel ID --7,045--0.00549		
Property Owner SULLENDER, ERIC W., TRUSTEE	Property Location 1089 FRANKLIN RD	
NEIGHBORHOOD DEVELOPMENT TRUST	Property Use ONE FAM	
Mailing Address 14 MONUMENT SQUARE	Most Recent Sale Date 12/21/2005	
	Legal Reference 5973-059	
City LEOMINSTER	Grantor TROY, EDWARD J. JR. (TE),	
Mailing State MA Zip 01453	Sale Price 287,000	
ParcelZoning RR	Land Area 1.150 acres	
Current Property Assessment		
Land Value 55,100	Building Value 7,800	Total Value 62,900
Building Description		
Building Style COLONIAL	Foundation Type MASONRY	Flooring Type SOFTWOOD
# of Living Units 1	Frame Type WOOD	Basement Floor N/A
Year Built 1730	Roof Structure GABLE	Heating Type FORCED H/W
Building Grade AVG. (+)	Roof Cover ASPHALT SH	Heating Fuel OIL
Building Condition Fair	Siding WOOD SHING	Air Conditioning 0%
Finished Area (SF) 2592	Interior Walls PLASTER	# of Bsmt Garages 0
Number Rooms 7	# of Bedrooms 3	# of Full Baths 2
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0
Legal Description		
Narrative Description of Property		
This property contains 1.150 acres of land mainly classified as ONE FAM with a(n) COLONIAL style building, built about 1730 , having WOOD SHING exterior and ASPHALT SH roof cover, with 1 unit(s), 7 room(s), 3 bedroom(s), 2 bath(s), 0 half bath(s).		
Property Images		
		

Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Hearing
Special Permit
#65-2016 (cont)



CITY OF FITCHBURG
OFFICE OF THE CITY CLERK

166 Boulder Drive
Fitchburg MA 01420

16 APR -8 14 04

Anna M. Farrell, City Clerk
(978) 829-1820
www.fitchburgma.gov

DATE: April 6, 2016

TO: Conservation Commission
Community Development
Treasurer (for tax clearance)
Fire
Health
Police

Public Works Commissioner
Water Deputy Commissioner
Wastewater Deputy Commissioner
Building Commissioner
City Solicitor

FROM: Anna M. Farrell, City Clerk *AmF*

Subject: Special Permit Application (See Attached) Petition # 65-2016

As directed by the City Council, you are respectfully requested to provide a written report, recommendations or information which will be of assistance in processing the request for a Special Permit.

Special Permit Public Hearing to be held on: May 3, 2016

Kindly deliver said report to the City Clerk
no later than Wednesday, April 20 2016

For your convenience, you may use the following space to respond:

☒

Approved as submitted

☐

Approved with modifications (Please attach list of suggested modifications)

☐

Disapproved (Please attach list reasons)

Department

POLICE

by

[Signature]
(Signature)

Date:

4/7/16

City of Fitchburg

May 3, 2016

Hearing
Special Permit
#65-2016 (cont)



CITY OF FITCHBURG
OFFICE OF THE CITY CLERK

166 Boulder Drive
Fitchburg MA 01420

16 APR 8 14 54
Anna M. Farrell, City Clerk
(978) 829-1820
www.fitchburgma.gov

DATE: April 6, 2016

TO: Conservation Commission
Community Development
Treasurer (for tax clearance)
Fire
Health
Police

Public Works Commissioner
Water Deputy Commissioner
Wastewater Deputy Commissioner
Building Commissioner
City Solicitor

FROM: Anna M. Farrell, City Clerk *AMF*

1089 Franklin Road
Neighborhood Development Trust

Subject: Special Permit Application (See Attached) Petition # 65-2016

As directed by the City Council, you are respectfully requested to provide a written report, recommendations or information which will be of assistance in processing the request for a Special Permit.

Special Permit Public Hearing to be held on: May 3, 2016

Kindly deliver said report to the City Clerk
no later than Wednesday, April 20 2016

For your convenience, you may use the following space to respond:

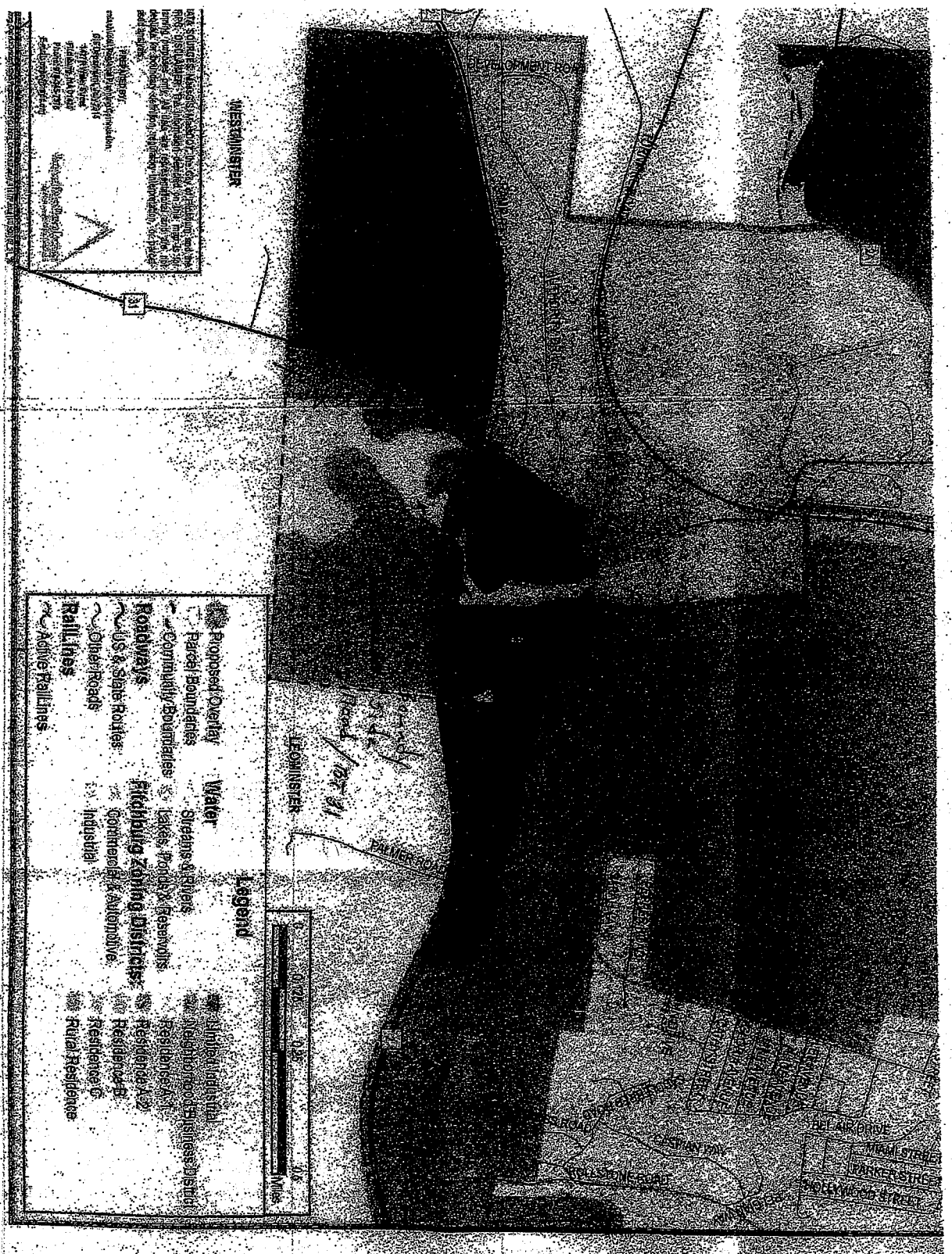
☒ Approved as submitted *Taxpayer has payment agreement and is therefore Tax Compliant*
☐ Approved with modifications (Please attach list of suggested modifications)
☐ Disapproved (Please attach list reasons)

Department Treasurer by *Cl. D. Bul*
(Signature)

Date: 4-8-2016

16 APR 8 14 54
FITCHBURG CITY CLERK

Hearing
Special Permit
#65-2016 (cont)



A communication from Bovenzi & Donovan, dated April 19, 2016, expressing the desire to withdraw its Special Permit Petition-Neighborhood Development Trust, 1089 Franklin Road, Fitchburg, filed on March 25, 2016, petition number 65-16 was read by Council President Michael Kushmerek.

Hearing opened.

Several residents from Oakridge Condominiums were present at the meeting to express their opposition to Special Permit Petition 65-16. Mr. Kim Goodwin of the Oakridge Condominium Association represented the collective concerns of the residents, noting unfinished, problem roads and open areas that require attention.

Councilors Jody Joseph and Marcus DiNatale advised the residents to monitor the Fitchburg Zoning Board of Appeals future agendas, as it is expected this matter would be presented to the Zoning Board for review and decision in the near future.

No single person or group spoke in favor of the special permit petition.

Hearing closed and Special Permit given leave to withdraw by unanimous vote. 11 members present. Board consists of 11 members.

ORDINANCES

046-16. Establishing a West Fitchburg Corridor Overlay District as outlined in the enclosed Ordinance.

CITY OF FITCHBURG

IN THE YEAR

FITCHBURG CITY CLERK

16 MAR -7 13 25

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

181.89 WEST FITCHBURG CORRIDOR OVERLAY DISTRICT

181.891 Purpose. The intent of the West Fitchburg Corridor Overlay District is to encourage compact, pedestrian friendly development that is physically and functionally integrated through site design, dimensional and parking standards that limit parking, provide flexibility for development initiatives and provide incentives for mixed-use development. Specifically, the purposes and objectives of the West Fitchburg Corridor Overlay District are:

- a) To promote the economic development, general welfare and safety of the community through the use of appropriate urban design standards in special development areas.
- b) To encourage a mix of moderate and high density development within walking distance of transit stations to increase transit ridership and limit vehicular traffic.
- c) To encourage compact development of compatible land uses at urban densities.
- d) To encourage reuse and redevelopment of existing buildings and building lots.
- e) To foster the development of high-quality, pedestrian-scale environments through site and building design that provides an aesthetically pleasing pedestrian environment that is accessible, compact, safe and inviting to encourage walking, bicycling and transit use.
- f) To promote urban design that is consistent with the City of Fitchburg's economic development, planning and programmatic efforts.
- g) To avoid over-dedication of land to surface parking by preventing excessive accessory off-street parking.
- h) To preserve and enhance the historical, cultural, and architectural assets of the city.
- i) To provide flexibility with regard to dimensional requirements in a manner that is consistent with the purposes and intent of this Section.

181.892 Establishment

The West Fitchburg Corridor Overlay District is hereby established, the boundaries of which are shown on the City of Fitchburg Zoning Map.

181.893 Administration

The approval authority for Site Plan Review and Special Permits in the West Fitchburg Corridor Overlay District shall be the Planning Board unless designated otherwise in the underlying base zoning district.

181.894 Definitions

MIXED-USE DEVELOPMENT – A development characterized by two (2) or more distinct uses that are physically integrated in a compatible way within a building or a lot.

Ordinance was sent to a third and final reading and adopted to be enrolled and ordained by unanimous vote. 11 members present. Board consists of 11 members. Ordinance signed by the Mayor May 5, 2016.

Ordinance #082-16

082-16. Amend City Code Chapter Fourteen (14), Article I: Sale of City-owned Real Estate, section 14-2 Procedure by adding Paragraph H as follows:

"Nothing herein shall prevent the duly appointed custodian of tax possessions from applying any procedure set forth in Massachusetts General Law including but not limited to M.G.L. c. 60 §77B for selling or leasing property."

(Reference Petition #69-16)

Be it ordained by the City Council of the City of Fitchburg, as follows:

Amend City Code Chapter Fourteen (14), Article I: Sale of City-owned Real Estate, section 14-2 Procedure by adding Paragraph H as follows:

"Nothing herein shall prevent the duly appointed custodian of tax possessions from applying any procedure set forth in Massachusetts General Law including but not limited to M.G.L. c. 60 §77B for selling or leasing property."

City Code Chapter Fourteen (14), Article I: Sale of City-owned Real Estate, section 14-2 Procedure will then read as follows;

A. Upon a request for determination of surplus needs as to a particular piece of real property, from the Mayor, City Councilor or department head, or upon petition by an interested person, the Property Committee of the City Council shall cause a file to be established and a surplus needs survey shall be circulated to see if any department or official indicates an interest in the subject property for municipal purposes. After receipt of the survey results, the Property Committee shall vote on the issue of whether the subject property is in excess of the City's needs.

B. If the vote is affirmative, the Committee shall report same to the City Council for its deliberation and vote. If the Council votes that the subject property is in excess of the City's needs, the issue of its disposition shall be referred back to the City Council Property Committee for determination of value and referral to the bidding process.

C. The Property Committee shall refer the matter to the City's Purchasing Agent to advertise the property for sale together with any reuse restrictions on the property as determined by the Committee. Said advertisement shall indicate the bid process and bid deadline.

D. The value of the property in question shall be determined by the Assessors; provided, however, that if the assessed value of the property exceeds \$25,000, and the Committee may refer the matter to the Assistant City Solicitor who shall obtain an appraisal by an independent appraiser.

E. All bids on any property offered for sale by the City shall be accompanied by an administrative fee of \$175 and a bid fee in the amount equal to 5% of the total bid price. The administrative fee shall not be refundable; however, the bid fee shall be refunded to the unsuccessful bidders within 60 days of the opening of bids.

F. Upon receipt of qualified bids, the Property Committee shall deliberate and vote and refer a recommendation to the City Council.

G. For vacant land less than 10,000 square feet, City Council may use an alternative method for disposition. If City Council votes that the subject

property is in excess of City needs, and upon the recommendation of the Property Committee, City Council may vote to designate the subject property to the Side Yard Sales Program. The square foot limit may be waived when designating a property to the Side Yard Sales Program. The Side Yard Sales Committee, which oversees the program, shall be composed of the Treasurer, the Chief Assessor, and the Chairman of the City Council Property Committee. Upon the recommendation of the Side Yard Sales Committee, City Council may vote to sell the subject property.

H. Nothing herein shall prevent the duly appointed custodian of tax possessions from applying any procedure set forth in Massachusetts General Law including but not limited to M.G.L. c. 60 §77B for selling or leasing property.

Ordinance was sent to a first and second reading and ordered advertised by unanimous vote. 11 members present. Board consists of 11 members.

Ordinance
#082-16 (cont)

PETITIONS

The following Petition was referred to the City Property Committee:

083-16. Lenny Laakso, DPW Commissioner, to declare items listed as surplus property.

Petitions

City of
Fitchburg



Department of
Public Works

COMMISSIONER
301 Broad Street
978-829-1910
978-345-9687 FAX

Date: April 28, 2016

To: Mayor Stephen L. DiNatale and City Council

From: Lenny R. Laakso, Commissioner

Subject: Scrap Equipment

STREETS & PARKS
301 Broad Street
978-829-1900
978-345-9687 FAX

WASTEWATER
Princeton Road
978-345-9622
978-345-9623 FAX

SEWER COLLECTION
301 Broad Street
978-829-1905
978-345-9687 FAX

WATER
1200 Ridge Road
978-345-9616
978-345-9655 FAX

ENGINEERING
301 Broad Street
978-829-1917
978-345-9687 FAX

CEMETERIES
115 Mount Elm Road
978-345-9578
978-345-9686 FAX

In accordance with Section 14-6 of the City Code, I have declared the vehicles shown on the attached list to be scrap equipment. I respectfully request approval for disposal of the scrap equipment by the Mayor and City Property Committee of the City Council so it can be advertised for sale and sold by the Purchasing Department.

Copies:
Nancy Wilson, Chief Procurement Officer
Gary Withington, Superintendent of Streets
Jaquelyn Poirier, Cemetery Superintendent
Jeff Murawski, Deputy Commissioner, Wastewater
John Deline, Deputy Commissioner, Water
Calvin Brooks, Treasurer

1b APR 28 08 44
FITCHBURG CITY CLERK

DEPARTMENT OF PUBLIC WORKS
SCRAP EQUIPMENT INVENTORY

DATA 04/27/16

ID #	YEAR	MANUFACTURER & MODEL	VIN #	COMMENTS
CEM	1999	Chevrolet Dump	1GBJK34F9XF036862	Engine beyond repair
CEM	1999	Buick Regal	2G4WB52K8X1602140	Engine and transmission
CEM	1989	GMC TV3100 Dump	1GDJV34K5KJ501932	Transmission, body damage
ENG	1998	Chevrolet Utility	1GNEK13R1WR108204	Frame rusted through and broke
S-3	1997	Elgin Pelican Sweeper	S8450D	Transmission, Unused 4 years
T-51	1997	International Dump	1HTGCADT6VH484273	Transmission, Unused 4 years
L	1997	Hyundai Loader	WMC271	Engine, Hydraulic Pump, Trans.
T-50	1995	Ford Dump	1FDZU82E8SVAG6445	Transmission, Underpowered
T-2	1989	GMC Cube Van	2GDDHG31K0K4523052	Frame rusted through and broke
T-5	1989	GMC Cube Van	2GDDHG31K1K4518720	Frame rusted through
T-56	1987	International Dump	1HTZLDBR1HHA11741	Needs cab, Hyd pump, tanks
WW	1998	Ford Ranger Pick-Up	1FTYR11V3XTA27422	Frame rusted through
T3000	1996	Chevrolet Pick-Up	1GCDT14X7TK199644	Frame rusted through
T-54	1981	GMC Van	2GDDGK24MB1542769	Frame rusted through
D	1974	International TD-8C Dozer	S/N 1995	Engine
Parking	2001	Chevrolet Silverado	1GCHK24U21E238734	Frame rusted, brakelines shot
Parking		Clarke American-Lincoln Sweeper	Model 577-506, Serial # 641124	Out of service
Bldg	???	Chev S-10 Pick-Up/Utility	1GCDT14X1TK197260	Frame rusted, body damage
W-59	1994	Chevrolet Astro Van	1GCDML9Z7RB247367	Needs extensive mechanical repair, costs exceed value of vehicle
W-8	1997	Chevrolet Blazer	1GNDT13W2VK209290	Needs extensive mechanical repair, costs exceed value of vehicle
W-56	1998	Chevrolet Astro Van	1GCDM1WQWB146172	Structural rust
W-14	2001	Chevrolet Cavalier	1G1JC524817422088	Structural rust
W-29	2003	Chevrolet Pick Up	1GCEK14V13Z312758	Structural rust, Needs extensive mechanical repair
		All vehicles will not pass Mass, Safety, Inspection		

City of Fitchburg,

May 3, 2016

Petitions (cont)

The following Petitions were referred to the Public Safety Committee:

084-16. Class II Car Dealer License: Sam Gandor, 339 River Street.

Developer 135@gmail.com

THE COMMONWEALTH OF MASSACHUSETTS

City OF Fitchburg

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

FITCHBURG CITY CLERK
MAY 21 13 08

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a.....
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Sam Gandor

Business address of concern. No. 339 River St.
Fitchburg MA City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?

Individual

3. If an individual, state full name and residential address.

Sam Gandor 3 Edgewood Rd.
Shrewsbury MA 01545

4. If a co-partnership, state full names and residential addresses of the persons composing it.

~~Sam's Service of Fitchburg~~
Solo Proprietor

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Sam Gandor

Secretary Sam Gandor

Treasurer Sam Gandor

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? Yes...

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? Yes

Is your principal business that of a motor vehicle junk dealer? No

Petitions (cont)

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Auto Dealer garage, gas

8. Are you a recognized agent of a motor vehicle manufacturer? ☒ No (Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1? ☒ No (Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? ☒ No (Yes or No)

If so, in what city — town

Did you receive a license? ☒ No (Yes or No)

For what year?

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? ☒ No (Yes or No)

Sign your name in full.

Ben Leach
(Duly authorized to represent the concern herein mentioned)

Residence... 3 Edgewood Rd. Shirley, MA 01545

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation
(Approved or Disapproved)

License No. granted 19 Fee \$

Signed

.....
.....
.....
.....
.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

Petitions (cont)

- 2016 -

APPLICATION FOR A LICENSE TO BUY, SELL,
EXCHANGE OR ASSEMBLE SECOND HAND
MOTOR VEHICLES OR PARTS THEREOF.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No.

Class ... II ... License No.

Name ... Sam. Gandor

St. and No. ... 339 River Street

City — Town ... Fitchburg, MA 01420

Date Issued

Remarks ... In City Council May 3, 2016



Fitchburg, Massachusetts
Office of the
Building Commissioner

ROBERT LANCIANI
Building Commissioner

JOHN MORREALE
Local Building Inspector

DAVID LOVERING
Local Building Inspector

KYLE RIDLEY
Inspector of Wires

WAYNE LITTLE
Plumbing/Gas Inspector

April 21, 2016

Johnny's Service
Sam Gandor
339 River Street
Fitchburg, MA 01420

RE: Zoning Determination for 339 River St, Map 39 Block 56 Lot 0.

Dear Mr. Almousa:

I have reviewed your letter of April 10, 2016, regarding a zoning determination for 339 River St, Map 39 Block 56 Lot 0 and my findings are as follows:

1. Land and buildings at 339 River St, Map 39 Block 56 Lot 0 are located in a Commercial & Automotive District (Zoning Map of the City of Fitchburg and Chapter 181, Section 181.23 of the General Ordinances of Fitchburg as amended).
2. Land and building at 339 River St, Map 39 Block 56 Lot 0 have been put to a Use Group B & S1, Permitted as a matter of right in the Commercial & Automotive District.
3. It is now your intent to run an auto sales business with outside display. You also intend to have a business office, all permitted uses in a Commercial & Automotive District, **However, it will be necessary for you to inquire about and receive a Class II license from the City Council.**
4. Any buildings used in the process of Motor Vehicle Sales and Service, must be in compliance to the requirements of the State Building Code and any and all other applicable codes and regulations. After you have received your Class II License you will be subject to the following:

(a) Unit must be inspected by one of the local building inspectors from this office, so as to show building code compliance.

(b) Once the unit has been shown to be in code compliance, a certificate of inspection will be issued. The fee for a certificate of inspection is seventy five (\$75) dollars.

(c) It will also be necessary for you to acquire a Class II license from the City Council.

Petitions (cont)

Page 2

April 21, 2016

Re: 339 River St, Map 39 Block 56 Lot 0

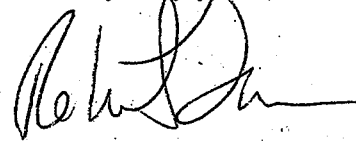
(d) You will need to submit to the Planning Board for Site Plan Review, a plot plan drawn by a Registered Surveyor showing the exact location of off street parking for all cars to be displayed with a three (3) foot buffer from the edge of the sidewalk. This drawing also needs to show where you will be providing adequate parking spaces to accommodate, under normal conditions, the cars of employees, customers, clients and visitors to the premises. . The Plot plan will need to be reviewed by the Planning Board under Section 181.94 Site Plan Review. Site plan will be needed before I can issue any permits from this office.

5. Any and all signs erected must comply with the Zoning Ordinances, Chapter 181, Section 181.535 for Commercial & Automotive district and a permit must be granted before erection of signs.

Request for the sale of automobiles can be granted after you receive your class II license from the City Council. Applications to partition for a Class II license can be obtained from the City Clerk's office Located on the first floor of City Hall.

If you have any questions regarding this zoning determination, please feel free to write or call this office.

Very truly yours,



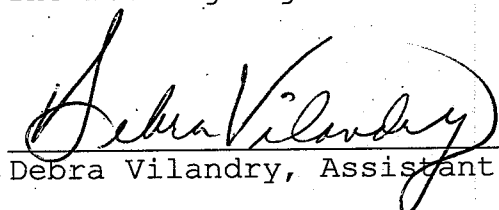
Robert Lanciani
Building Commissioner

085-16. Councillor Dean Tran, to provide proper caution signage at the corner and intersection of Rollstone Rd. and Brittany Lane.

The following Petition was referred to the Public Works Committee:

086-16. Councillor Joel Kaddy, to install a chain link fence on Temple Street directly behind 60-62 Sanborn St.

The meeting adjourned at 8:00 P.M.



Debra Vilandry, Assistant Clerk